

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5013 of 2021

Arising Out of PS. Case No.-5 Year-2019 Thana- SIKTI District- Araria

MD MURSHID aged about 31 years S/o Mustak R/o village- Saharmal
Balwat, P.S.- Tarabari, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-03-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Section 30a of the Bihar Prohibition
and Excise Act.

As per the prosecution case, 52.2 liters of foreign
liquor has been recovered from the motorcycle and the
petitioner managed to flee on seeing the police party.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. As the said motorcycle was registered in the name of



the petitioner, he has been roped in this case. Petitioner is Madarsa teacher. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 6.10.2020.

Considering the facts and circumstances of the case and the fact that No incriminating material has been recovered from the conscious possession of the petitioner and petitioner has got no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II cum Special Judge, Araria in Sikti Police Station Case No. 05/2019, Special Case No. 81 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move



for cancellation of bail.

(Prabhat Kumar Singh, J)

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