

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5278 of 2021**

Arising Out of PS. Case No.-101 Year-2020 Thana- SINGHIYA District- Samastipur

MD. ERSAD @ MD. IRSHAD S/o Md. Enus @ Md. Yunus @ Yunus Kujara
R/o Village- Pipraghat, P.S.- Singhia, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwari No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 22-06-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Singhia P.S. Case no.
101 of 2020 registered under section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per allegation in the FIR, on secret information
having been received a raid was conducted and a total quantity
943.110 litres of liquor was recovered from the house of the
petitioner.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from his house
and he has been falsely implicated in the case. He has no



criminal antecedent and is in custody since 19.8.2020.

It is further submitted by learned counsel for the petitioner that pursuant to the order dated 25.3.2021 passed in the instant case, a supplementary affidavit has been filed on behalf of the petitioner electronically on 26.3.2021 mentioning about the typographical error in the FIR / case number in paragraph no.1 and prayer portion of the petition, wherein, it has been wrongly typed as Singhia P.S. Case no. 684 of 2020 instead of the correct Singhia P.S. Case no. 101 of 2020. It is submitted that the correct FIR number finds mention in the FIR as also in the order of the learned court below.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the petitioner having remained in custody for 10 months and not having any criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Singhia P.S. Case no. 101 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Addl. Sessions Judge – cum –



Special Judge, Excise Act, Samastipur.

(Partha Sarthy, J)

Spd/-

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