

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7931 of 2021

Arising Out of PS. Case No.-699 Year-2020 Thana- ARARIA District- Araria

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Irfan @ Md Irfan, S/O Abdul Aziz @ A Aziz, R/O Chandan Nagar, P.S. -
Chandan Nagar, District - Indore (M.P.).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Ms. Meena Singh, App

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 18-08-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Special
Case No.708 of 2020 arising out of Araria (R.S.) P.S. Case
No.699 of 2020 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

8200 litres spirit has been allegedly recovered from
the truck. The petitioner is stated to be a navigator.



Submission of the counsel for the petitioner is that it is a case of false implication. He is in custody since 02.09.2020 and has no criminal antecedents. Driver of the truck in question, who also happens to be the owner of the vehicle, has been allowed bail in Cr.Misc. No.12354 of 2021. Godown owner for whom the procurement has allegedly been made, has also been allowed bail in Cr.Misc. No.21468 of 2021.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 the learned 2nd Additional Sessions Judge-cum-Special Judge, Araria, in connection with Special Case No.708 of 2020 arising out of Araria (R.S.) P.S. Case No.699 of 2020, subject to the following conditions:

- (i) That one of the bailors
will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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