

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10880 of 2021**

Arising Out of PS. Case No.-287 Year-2020 Thana- BAUSI District- Purnia

MAJEBUL HASAN @ MD. MAJEBUL HASAN S/O MD. SAFID RAIN
Resident Of Village - Andhrathadi, P. S. - Andhrathadi, District - Madhubani.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Special Excise Case No. 488 of 2020 arising out of Baisi P.S. Case No. 287 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story the informant on secret information started



checking vehicles. During search a white color Bolero pickup was stopped for checking but the driver tried to flee away but was apprehended with the help of police force. On search a total of 882 litres illicit foreign liquor hidden in the rotten banana was recovered from the pickup.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on mere suspicion. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel submits that the petitioner is the driver of the vehicle and he had no knowledge of the liquor kept in the dickey of the vehicle. It is submitted that the petitioner is in custody since 19.11.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the petitioner is said to be the driver of the vehicle in question and he was given an impression that the van is loaded with bananas and was to be taken to Forbesganj, prior to the present case the petitioner has no criminal antecedent and in connection with the present case he has remained in jail since



19.11.2020, investigation against him is complete, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnea in connection with Special Excise Case No. 488 of 2020 arising out of Baisi P.S. Case No. 287 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

