

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3239 of 2022

Arising Out of PS. Case No.-1036 Year-2021 Thana- ARARIA District- Araria

FAKHRUDDIN @ FAKRUDDIN Son of Md. Muslim @ Muslim Resident of
Village - Suryapur Ward No.15, P.s.- Bairgachhi, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Araria
(Bairgachhi) P.S. Case No. 1036 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018 and Sections 272, 273 of the IPC.

As per prosecution case, there is alleged recovery
of 20.500 litre cough syrup from the motorcycle in question and
petitioner was apprehended at the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 11.12.2021 and bears no criminal
antecedent. He further submits that petitioner is innocent and



has committed no offence and he has falsely been implicated in the case only on suspicion. Seizure list has not been prepared as per law. He further submits that seized motorcycle in question belongs to petitioner and he is owner of the said motorcycle. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge (Excise Act), Araria in connection with Araria (Bairgachhi) P.S. Case No. 1036 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

