

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3792 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- ISUAPUR District- Saran

NAJIRUDDIN ANSARI @ SOHAIB AHMAD Son of Mohammad
Nasruddin Ansari @ Nasruddin Ansari Resident of Village - Amardah, P.s.-
Isuapur, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Isuapur P.S. Case No. 76 of 2021 registered for
the alleged offences under Sections 30, 30(a), 36 and 33 of the
Bihar Prohibition and Excise Act.

As per prosecution case, 800 liters of spirit was
recovered from a vehicle and when the said vehicle was
intercepted, it is alleged that the petitioner and one unknown
person fled away from the vehicle.

Learned counsel for the petitioner submits that petitioner has not been apprehended from the spot and the vehicle in question does not belong to this petitioner. The house of the petitioner is about 12 K.M. from the place of occurrence from where the spirit was recovered and it is not clear how the police came to know about the identity of this petitioner except saying that he was identified by the local Chowkidar. The petitioner has been made accused in this case merely on the basis of his criminal antecedent. Charge sheet has been submitted in this case and the petitioner is in custody since 22.11.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has a long criminal history and he is accused in a number of cases.

Having regard to the submissions made hereinabove and considering the fact of submission of charge sheet as well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-Cum-Special Judge Excise, Saran at Chapra, Saran in connection with Isuapur P.S. Case No. 76 of 2021, subject to the

conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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