

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4092 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- BARSOI District- Katihar

MD. FAKHRUDDIN, Son of Md. Islam Resident of Village - Lalganj, P.s.-
Maranga, Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Barsoi

P. S. Case No. 44 of 2021, 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.

As per allegation, 578.280 litres of liquor has been

recovered from a Tractor.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

the present case. He further submits that he is not named in



the F.I.R. and his alleged implication is based on the confessional statement of the co-accused. Moreover, it has been submitted that four co-accused persons have already been granted bail by different Benches of this Court. It has further been submitted that there is no recovery from the conscious possession of the petitioner.

The petitioner is in custody since 19.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved before this Hon'ble Court for grant of either anticipatory bail or regular bail.

It has further been stated that the petitioner has been made accused in one case, bearing K. Hat Maranga P. S. Case No. 377 of 2018, instituted for the offences under Sections 341, 323, 325, 307, 354, 384, 379, 504 and 34 of the Indian Penal Code.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge II-cum-Special Judge, Katihar, in connection with Barsoi P. S. Case No. 44 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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