

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23012 of 2022

Arising Out of PS. Case No.-351 Year-2021 Thana- SIKARPUR District- West Champaran

KARMULLAH ANSARI @ HERO Son of Late Ali Mian Resident of
Mohalla - Prakash Nagar, Ward No. 12, Narkatiaganj, Police Station -
Sikarpur, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 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 Shikarpur P.S. Case No. 351 of 2021 registered
for the alleged offences under Sections 30(a) and 33 of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, police apprehended co-
accused Lazim Ansari and at his instance 10 liters of spirit was
recovered. This co-accused disclosed the name of the petitioner
for being involved in the offence.



Learned senior counsel appearing on behalf of the petitioner submits that the petitioner has not been named in the FIR and his name came up in this case on the basis of statement made by the co-accused. He was neither arrested from the spot nor anything incriminating has been recovered from his possession. The petitioner has been made accused in a number of cases after he was remanded in Lauriya P.S. Case No. 160/2021 in which he has been granted bail by this court. Charge sheet has been submitted in this case and the petitioner is in custody since 18.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender. He is having a number of cases pending against him.

Having regard to the submissions made hereinabove and considering the fact that nothing incriminating has been recovered from conscious possession of this petitioner who has not apprehended from the spot and further considering the submission of charge sheet along with 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 Special Judge, Excise, Bettiah, West



Champaran in connection with Shikarpur P.S. Case No. 351 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 a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on 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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