

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32054 of 2021

Arising Out of PS. Case No.-775 Year-2018 Thana- BARACHATTI District- Gaya

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S.M. Mahfooz Alam @ Mahfooz Alam Son of Late Md. Muslim R/O House
No. 34, Road No. 12, Old Purlia Road, Zakir Nagar west, P.S.- Azad Nagar,
Jamshedpur, Dist.- East Singhbhum (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-06-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections 30(a), 38,

47 of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 108 litres of foreign liquor.

Learned counsel for the petitioner submits that the

petitioner has clean antecedents and he has been falsely

implicated in the present case only on the basis of suspicion. He

further submits that in fact the co-accused namely Md. Asif

Ahmed who working as a driver of the vehicle in question and



came to the petitioner and told that he is required the vehicle in question to drop some of his relatives from Jamshedpur to Biharsharif and he will return the vehicle on 20.12.2018. Learned counsel for the petitioner further submits that it appears from the F.I.R. nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the vehicle in question and co-accused namely Md. Rafique, Md. Asif and Suman Kumar was apprehended at the spot and the petitioner's name has been transpired only on the basis that the petitioner is the owner of the vehicle in question.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Court below where the case is pending in connection with Barachatti P.S. Case No. 775 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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