

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37950 of 2021**

Arising Out of PS. Case No.-23 Year-2021 Thana- PANJWARA District- Banka

MD. AZAZ, Son of Shah Mansur, Resident of Village- Chaprasi Mohalla,
P.S.- Godda, District- Godda (Jharkhand).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 18-01-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Ajay Kumar No. 2, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Special Excise Case No. 180 of 2021 (corresponding to Panjiwara P.S. Case No. 23 of 2021) registered for the offences punishable under Sections 30(a) and 32(2) of Bihar Prohibition and Excise Act, 2016. The petitioner has no criminal antecedent. He has remained in custody since 06.03.2021.

Learned counsel for the petitioner submits that as per the prosecution story on 05.03.2021, the informant along with other police personnel while on patrolling duty saw a pickup-van. On



seeing the police party, the driver tried to escape in the field after parking the pick-up van near the house of Guddu Yadav. On chase, the police nabbed the driver and on inquiry he disclosed his name as Md. Azaz. On search of the pick-up van altogether 165 liters of liquor has been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is the driver of the vehicle in question which does not belong to him. It is submitted that he has no concern with the allegedly recovered illicit liquor. He has remained in custody since 06.03.2021 having no criminal antecedent.

Mr. Ajay Kumar No. 2, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submissions that the petitioner has been arrested allegedly on chase and the liquor has been recovered from the Pick-up van which does not belong to the petitioner, he has been framed alleging that he happened to be the driver of the vehicle from which 165 litres of bear of King Fisher Company was recovered and that the petitioner has got no criminal antecedent, the seizure list witnesses are not independent and they are said to be the Police personnel, considering further that the petitioner has remained in custody for over nine months and the trial has yet not commenced and is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of



bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Banka in connection with Special Excise Case No. 180 of 2021 (corresponding to Panjiwara P.S. Case No. 23 of 2021), subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

And further condition that at least one of the bailors would be the resident of the State of Bihar having sufficient means.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

