

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37982 of 2021**

Arising Out of PS. Case No.-36 Year-2021 Thana- SINGHIYA District- Samastipur

INAM, S/O RAHIS @ RAHEES, Resident of Village- Baidhya, P.S.-
Sambholi, District- Hapur (Uttarpradesh)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

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

2 19-01-2022 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. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present is seeking regular bail in
connection with Singhia P.S. Case No. 36 of 2021 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. The petitioner is in custody
since 18.03.2021. He has no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, on a secret information, the informant
intercepted a Tata 407 vehicle and recovered 1568.880 litres of



illicit liquor. The petitioner was found driving the vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that nothing incriminating has been recovered from physical possession of the petitioner. The petitioner being driver has no knowledge about the goods kept inside the vehicle. It is further submitted that there is no compliance of Section 100 Cr.P.C. in making the seizure list. The petitioner is in custody since 18.03.2021 having no criminal antecedent and is ready to provide one bailor who will be the resident of the State of Bihar.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that nothing has been recovered from physical possession of the petitioner, the recovery is from Tata 407 and the seizure list does not show compliance of Section 100 Cr.P.C., the petitioner had no knowledge that the liquours have been kept in the vehicle and further submission that the petitioner has got no criminal antecedent, he is in custody since 18.03.20221 and is ready to provide one bailor who will be the



resident of the State of Bihar having sufficient means, 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 **(one of the bailors would be the resident of the State of Bihar having sufficient means)** to the satisfaction of learned Additional Sessions Judge-IInd-cum-Special Judge (Excise Act), Samastipur in connection with Singhia P.S. Case No. 36 of 2021, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

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)

vats/-

U		T	
---	--	---	--

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'.

