

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42834 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- DAGARUA District- Purnia

MD ISMAIL Son of Md Hafiz Resident of Village - Dimia P.S. Jalalgarh,
District - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nadimul Hasan, Advocate

For the Opposite Party/s : Ms.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-02-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Suman Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Dagarua PS case no. 54 of 2021 instituted for the offences punishable under Sections 272, 273 of Indian Penal Code and 30(A) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 28.890 liters of illicit foreign liquor from the motorcycle of the petitioner after he was apprehended by the police and search was made.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 21.02.2021. The learned counsel for the petitioner has further submitted that the petitioner has already been suitably punished on account of period of custody already undergone by him.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is languishing in custody since about a year apart from the fact that the quantity of illicit liquor recovered from the motorcycle is trivial, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge, Excise, Purnea in connection with Dagarua PS case no. 54 of 2021.

(Mohit Kumar Shah, J)

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