

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33246 of 2022

Arising Out of PS. Case No.-75 Year-2020 Thana- BHIMPUR District- Supaul

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Murshid Alam, S/o Late Md. Aleem, R/o village- Falsara, P.S.- Dalkola,
District- Uttar Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2022 A supplementary affidavit has been filed on behalf of the petitioner bringing on record the fact that the petitioner is found involved in six other cases, however due to inadvertence with regard to one case, he could not mention in paragraph no.3 of the bail application.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bhimpur P.S. Case No. 75 of 2020 registered for the offences punishable under Sections 420, 467, 468/120B of the Indian Penal Code and Sections 30(a)/36/41(1) of the



Bihar Prohibition & Excise Act.

As per the prosecution case, it is alleged that in course of patrolling duty, the police received confidential information that one truck is found parked loaded with liquor, the police rushed to the place of occurrence and seized the truck and two persons, who were found sitting in the truck, were apprehended. On search total 2618.975 litres of Indian made foreign liquor was recovered. The driver and cleaner of the truck disclosed the name of the petitioner.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. It is next submitted that only on account of past criminal antecedent of the petitioner, his name has been implicated in this case, though the petitioner has no concern with the truck nor with the alleged illicit wine. It is lastly submitted that the petitioner is in custody since 25.01.2022 and, moreover, after conclusion of the investigation, charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent.



Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and he is in custody since 25.01.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Court No.-I, Supaul in connection with S.T. No. 973 of 2020, arising out of Bhimpur P.S. Case No. 75 of 2020, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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