

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33210 of 2022

Arising Out of PS. Case No.-777 Year-2019 Thana- SUPAUL District- Supaul

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Murshid Alam, Son of Late Md. Aleem, Resident of 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 Supaul P.S. Case No. 777 of 2019 registered for the offences punishable under Sections 279, 427 of the Indian Penal Code and Section 30(a) Bihar Prohibition & Excise Act.



As per the prosecution case, it is alleged that the police in course of patrolling found a truck in an accidental condition and during inspection, the driver of the truck was found stuck in the cabin of truck and he was crying for help. It is further alleged that on search altogether 2334.69 litres of Indian made foreign liquor of different brands were recovered.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his conscious or constructive possession. It is next submitted that the name of the petitioner has been disclosed by co-accused persons that the petitioner is one of the person, who was responsible for getting the wine loaded at New Delhi (Gurgaon). It is next submitted that only because of the past criminal antecedent of the petitioner, his name has been implicated in this case. The petitioner has neither any concern with the truck nor with the illicit wine nor the driver and co-driver disclosed his name. The petitioner is in custody since 25.01.2022 and after conclusion of the investigation, charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is named in six other criminal cases of similar nature.



Having regard to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been surfaced during the course of investigation, as one of the person responsible for loading wine at Gurgaon, New Delhi, there is no other material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty 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 Supaul P.S. Case No. 777 of 2019, 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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