

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44207 of 2021

Arising Out of PS. Case No.-110 Year-2021 Thana- DAGARUA District- Purnia

MD. FIROZ Son of Md. Siraz Resident of Village - Sadhubeli, Sakhua Ghat
Ward No.- 2, P.S. - Kasba, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 29.04.2021 seeks
regular bail in connection with Special Excise Case No. 366 of
2021 arising out of Dagarua P.S. Case No. 110 of 2021
registered for offence punishable under Sections 272, 273 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

Prosecution case in brief is that altogether 198.750
litres of different brand of Indian made foreign liquor was
recovered from a Pick-up van bearing Registration No. BR-



06GA-3934. It is alleged that the petitioner is the driver of the said vehicle. Seizure list was prepared and the petitioner was handed over the same.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is not the regular driver of the aforesaid vehicle and he was requested by one co-accused Masrul who is the regular driver of the said vehicle, to deliver the consignment to the required destination in Purnea District. The petitioner being innocent is in custody since 29.04.2021 and he has got no criminal antecedent.

Learned A.P.P. however, opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case as well as taking into consideration the period of custody of the petitioner and he has got no criminal antecedent, the petitioner is directed to be enlarged on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge(Excise), Purnea in connection with Special Excise Case No. 366 of 2021 arising out of Dagarua P.S. Case No. 110 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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