

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37778 of 2022

Arising Out of PS. Case No.-186 Year-2021 Thana- RAHIKA District- Madhubani

Md. Jubair, Son of Md. Sabir Nadaf, Resident of Ward No.- 01, Laksayar,
Rahika, P.S.- Rahika, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Rahika P.S. Case No. 186 of 2021, registered
for the alleged offences under Sections 272, 273/34 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, total 450 liters of Nepali
country made liquor was recovered from a Car. The petitioner is
said to have escaped from the car and he was identified in the
light of torch.



Learned counsel for the petitioner submits that the prosecution case is not believable as the petitioner was identified in the light of torch in the dark night of winter. The petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The recovery has been shown from a vehicle which does not belong to this petitioner. The petitioner was not present in the vehicle and he did not run away from there. The charge sheet has been submitted and the petitioner is in custody since 08.03.2022 and is having clean antecedent.

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

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Rahika P.S. Case No. 186 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of



Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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