

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56208 of 2021

Arising Out of PS. Case No.-310 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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AFROZ MIYA, son of Afjal Miya, Resident of Village- Panchbarwa, P.S.-
Andar, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Syed
Mojibur Rahman, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with CIII Case No. 310 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018. He is in custody since
14.08.2021 having no criminal antecedent as stated in paragraph
'3' of the application.

As per the prosecution story, on 13.08.2021 the
informant stopped the vehicle at Faridpur Andar Main Road and
searched the vehicle on the basis of secret information and



recovered 154.710 liters different brands of foreign liquor, thereafter the driver was taken into custody and two persons fled away.

Learned counsel for the petitioner submitted that petitioner has been falsely implicated in this case, nothing has been recovered from the possession of the petitioner, however he is in custody since 14.08.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner happens to be the driver of the vehicle in question from which 154.710 liters of foreign liquors were recovered but the petitioner was not made aware of the loaded material and he has only been made a escape goat in this case, he has no criminal antecedent and has remained in custody since 14.08.2021, investigation against him is complete and his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - 2nd – cum – Special Judge, Excise, Siwan, in connection with CIII Case No. 310 of 2021, subject to



the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

