

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61017 of 2021**

Arising Out of PS. Case No.-97 Year-2019 Thana- BARBIGHA District- Sheikhpura

MOHAMAD SHAHID ALAM @ ASARANI S/o Sahud Khan R/o village-  
Faijabad, P.S.- Barbigha, District- Sheikhpura (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rabindra Prasad Singh  
For the Opposite Party/s : Mrs.Meena Singh

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      25-02-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State in virtual court  
proceeding.

Let the defects, as pointed out by the office, be  
removed within four weeks of start of normal functioning of the  
physical court.

Petitioner seeks bail in connection with Excise Case  
No. 129 of 2019 arising out of Barbigha P.S. Case No. 97 of  
2019 registered for the offences punishable under Section 30(a)  
of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 5 cartoon Royal Stag foreign  
liquor, each cartoon containing 12 bottles of 750 ml. and 200  
cartoon Royal Stag foreign liquor, each cartoon containing 12  
bottles of 750 ml foreign liquor have been recovered from XUV  
Car and truck in question.



Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused Rajiv Paswan. He further submits that it appears from the FIR that nothing has been recovered from possession of the petitioner rather recovery has been made from XUV Car and truck in question. He further submits that co-accused Rajiv Paswan has been granted bail by a co-ordinate Bench of this court vide order dated 28.05.2019 passed in Cr. Misc. No. 35044 of 2019 and petitioner is in custody since 05.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries four criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Sheikhpura in connection with Excise Case No. 129 of 2019 arising out of Barbigha P.S. Case No. 97 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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.

**(Rajesh Kumar Verma, J)**

shahzad/-

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