

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63419 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- DAGARUA District- Purnia

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CHEGNA @ SHAHBAZ @ MD. SHAHNAWAZ ALAM, Son of Abdul
Quadir @ Abdul Kadeer, Resident of Udharna, Ward No. 12, P.S.- Dagarua,
District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Special
Excise Case No.280 of 2021 arising out of Dagarua P.S. Case
No.90 of 2021 registered for the offence punishable under
Sections 272 and 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

There is alleged recovery of 168.25 litres illicit
liquor from *Hyundai* car and 12 litres from the petitioner's
Pulsar motorcycle.

The petitioner's counsel submits that recovery was
from *Hyundai* car which does not belong to the petitioner.
Owing to his antecedents, as per disclosure in paragraph 3 of the



bail application, the petitioner's motorcycle was taken away to show recovery of 12 litres illicit liquor from his motorcycle. It is a case of false implication and the petitioner has voluntarily surrendered before the court below on 07.08.2021 and since then he is in custody. Investigation is also complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the period of custody and the fact that the recovery is not from the petitioner's conscious possession, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 court of learned Special Judge (Excise),Purnea, in connection with Special Excise Case No.280 of 2021 arising out of Dagarua P.S. Case No.90 of 2021, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the



address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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