

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63933 of 2021

Arising Out of PS. Case No.-157 Year-2021 Thana- BAISI District- Purnia

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CHEGNA @ SHAHBAZ @ MD. SHAHNAWAZ ALAM Son of Abdul
Quadir @ Abdul Kadeer Resident of Udharna (Lokari), 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,Adv

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State in virtual Court proceeding.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 272 and 273 of the Indian
Penal Code, Sections 30(a), 41 and 47 of the Bihar Prohibition
and Excise Act, 2016.

Recovery is of 40 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. In fact the petitioner was not apprehended on the spot. He



further submits that the name of the petitioner has been transpired only on the basis of disclosure made by co-accused, namely, Abdul Rauf. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the motorcycle in question and the petitioner is in custody since 07.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Special Excise Case No.280 of 2021 arising out of Dagarua Police Station Case No.90 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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)

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