

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65116 of 2021**

Arising Out of PS. Case No.-475 Year-2021 Thana- BAHADURPUR District- Darbhanga

MD SAKIR Son of Md. Idris Resident of Village - Bheluchak, P.S. - Sadar,
District - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Iqbal Asif Niazi, Advocate
For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar.

The petitioner seeks bail in Bahadurpur Police Station (for brevity, *PS*) Case No 475 of 2021 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

Two persons have abandoned their motorcycle which was carrying a plastic bag and fled away on seeing the police party during the routine vehicle checking. The petitioner has been apprehended and is alleged to be one of the persons who fled away. There is recovery of 60.300 liters Nepali country made liquor from the motorcycle.



Petitioner's counsel submits that being a passerby, the petitioner has been implicated in this case. He has no concern with the alleged recovery. It is a case of false implication. Recovery was in fact made from another person and having no criminal antecedent, the petitioner has remained in custody since 13.09.2021.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody, fair antecedent and the fact that investigation is complete and his further custody will serve no useful purpose, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge (Excise), Darbhanga in Bahadurpur PS Case No 475 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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