

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65437 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- BANGARA District- Samastipur

Md. Faiyaj, Son of Md. Enul @ Md. Aayum @ Md. Aayub, Resident of
Fatehpur Wala, P.S.- Musrigharari, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava., APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Bangara P.S. Case No.81 of 2021 registered for the offence
punishable under Sections 272, 273, 414/34 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

On secret informant, the police have arrived at the
village to verify the information regarding unloading of a
consignment of illicit liquor. The same has led to recovery of
3041 litres 280 ml. illicit liquor. 10-15 persons, as per
allegations, have started fleeing away. Petitioner has been
apprehended as one who was fleeing away from the place of
occurrence though, as per allegation, no incriminating material



has been recovered from his possession.

The petitioner's counsel submits that the petitioner along with other villagers had assembled at the time of search and seizure, whereupon he has been apprehended merely on suspicion though he has no concern either with the truck or the liquor being unloaded. He bears a clean past and has been in custody since 30.07.2021. It is also submitted that the investigation is complete and charge-sheet has been submitted.

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

Having regard to the submissions, based on clean antecedents and the fact that the prosecution does not allege any recovery from the petitioner's 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 learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Samastipur, District-Samastipur, in connection with Bangara P.S. Case No.81 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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