

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68634 of 2021

Arising Out of PS. Case No.-550 Year-2021 Thana- MAJHAULIA District- West Champaran

Fool Mohammad Ansari S/o Raja Moddin Ansari @ Raja Moddin Miyan R/o
Village- Jagirha, Ward No.1, P.S.- Majhauilya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Majhauilya P.S. Case No. 550 of 2021 registered for the offences punishable under Sections 30(a), 38 and 41 of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, total 55 liters spirit was recovered from a hut situated in front of the petitioner's house.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He



further submits that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the out house of the petitioner. He further submits that after investigation police has submitted the charge sheet against the petitioner. The petitioner is in custody since 01.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

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 Special Judge, Exicse, Bettiah, West Champaran in connection with Majhauilya P.S. Case No. 550 of 2021, 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)

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