

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71159 of 2021

Arising Out of PS. Case No.-287 Year-2021 Thana- DAGARUA District- Purnia

Md. Afsar Alam @ Afsar Alam Son of Abdul Mojib @ Mojibul Rahman
Resident of Echalo Ekahwa, P.S.- Dagarua, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in custody in connection with Dagarua P.S. Case No. 287 of 2021 registered under sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

The allegation in the FIR is that the police upon information intercepted a four wheeler coming from Baisi side and apprehended the driver as also the person sitting inside the car (the petitioner herein). Upon search of the vehicle, altogether 48.42 litres of India Made Foreign Liquor was recovered/seized. Accordingly, the FIR was instituted.

The counsel for the petitioner submits that he was merely sitting inside the car and had nothing to do with the



alleged liquor or the vehicle. He had merely taken lift in the car for which he has already suffered a lot being in jail since 13.10.2021 (as stated in para-12 of the bail application).

Considering the aforesaid facts that the petitioner is in jail since 13.10.2021, the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail but with certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of Special Judge, Excise, Purnea, in connection with Dagarua P.S. Case No. 287 of 2021 subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his



presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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