

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72127 of 2021

Arising Out of PS. Case No.-947 Year-2021 Thana- ARARIA District- Araria

MD. IRSHAD Son of Late Md. Yunus Resident of Village - Bishanpur ,
Ratbara, P.S.- Bajpatti, Distt.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Araria P.S. Case No. 947 of 2021 registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. He is in custody since
13.11.2021 having no criminal antecedent as stated in paragraph
'3' of the application.

As per the prosecution story, on 12.11.2021 a secret
information has been received by the informant that illegal
traders of Bengal are coming to Araria with a vehicle, thereafter



he proceeded along with other police officials and reached near the Panar Bridge on the road of Jokihat Zero Mile and started checking of the vehicles and in course of the same one Blue colour Magiz Van was intercepted by police and the driver of the vehicle disclosed his name as Md. Irshad. The informant further alleged that on search of the vehicle total 557.640 liters of illicit liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner has no concern with the alleged vehicle from which illicit liquor were recovered, however, he is in custody since 13.11.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that petitioner is a driver of the vehicle in question from which total 557.640 liters of illicit liquor were recovered but in connection with the same petitioner has remained in custody since 13.11.2021, he has no criminal antecedent, investigation against him is complete and his presence may be secured in course of trial, therefore, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the



satisfaction of learned A.D.J.-II-cum-Special Judge (Excise Act), Araria in connection with Araria P.S. Case No. 947 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

