

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.608 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

Md Noman @ Md Numan @ Numan, Son of Md. Kafil, Resident of Village-
Gayaspur Ward No.02, Maina, Labh Nagar, P.S.- Palasi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, 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 pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Kochadhaman P.S. Case No.293 of 2021
registered for the offences punishable under Sections 272, 273
and 420 of the Indian Penal Code and Sections 30(a), 32, 41 and
47 of the Bihar Prohibition and Excise Act, 2016. He is in
custody since 27.10.2021 The petitioner has got one criminal
antecedent of similar nature.

Learned counsel for the petitioner submits that, as per
the prosecution story, on 26.10.2021 the informant who is



officer in-charge of Kochadhaman police station started vehicle checking at Rehmatpara chowk and in course of checking he intercepted a tempo without any registration number. It is alleged that on seeing the police party two persons started fleeing away after stepping down from the tempo but the one of them was caught by the police who disclosed his name as Md. Noman (the petitioner). It is further alleged that on search 131.250 liters of illicit liquor was recovered from the said tempo.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the possession of the petitioner and he has no concern with the alleged seized illicit liquor and tempo. It is submitted that the petitioner is in custody in connection with this case since 27.10.2021.

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

Having regard to the submission that the recovery is not from the possession of the petitioner, he in custody in connection with this case since 27.10.2021, the petitioner has got one criminal antecedent in which he is said to be on bail,



investigation against him is complete and his presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Kishanganj in connection with Kochadhaman P.S. Case No.293/2021 giving rise to Special Case No.482/2021, subject to the conditions 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)

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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'.

