

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.896 of 2022

Arising Out of PS. Case No.-353 Year-2021 Thana- ARWAL District- Jehanabad

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JIAUL HAQUE SON OF LATE SHARIF KHAN RESIDENT OF
VILLAGE- PARSA TANR P.S. JHARIYA DISTRICT- DHANBAD
(JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr .Paras Nath, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 30(a), 32(2)(3), 36 and 41 of the Bihar Prohibition and Excise Act.

Recovery is of 905 liters of Indian made foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He



further submits that it appears from the F.I.R. and the seizure list that recovery has been made from the Tata Magic vehicle and on the disclosure made by the driver of the said vehicle, the petitioner has been made accused in this case. In fact, nothing has been recovered from the conscious possession of the petitioner and the petitioner has been apprehended from another vehicle from which nothing has been recovered. He has no concern with alleged recovery. The petitioner is rotting in judicial custody since 08.10.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Excise Case No. 899 of 2021 arising out of Arwal P.S. Case No. 353 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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