

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7170 of 2023

Arising Out of PS. Case No.-576 Year-2022 Thana- AGAMKUAN District- Patna

BADRUL IMAM Son of Md. Rustam Ali R/V- Baswariya, P.s- Bettiah
Town, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 420, 467, 468, 471, 399, 401, 402, 414 of the Indian Penal Code, section 30(a) of the Bihar Prohibition and Excise Act, Section 25(1-b)A, 26, 35 of the Arms Act and Section 20, 22 of the N.D.P.S. Act.

The allegation against the petitioner is to involve in preparation of committing offence along with other co-accused persons and while doing so one country made pistol, nine bottle of illicit liquor and 5.20 kg of Ganja/contraband were recovered from accused persons. The petitioner is alleged to be sit in the vehicle and arrested on spot.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Petitioner has no concern with the alleged recovery of incriminating articles rather only one mobile phone was recovered from his conscious possession. It is further submitted that the seizure list witness are police official not a single independent witness which violates section 100 of Cr.P.C. Moreover, similarly situated co-accused namely, Anjani Singh has already been granted bail by a co-ordinate Bench of this Court vide order 16.2.2023 passed in Cr. Misc. No. 64747 of 2022. Moreover, the petitioner is languishing in judicial custody since 8.8.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Agamkuan P.S. Case No. 576 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge,



Excise Patna City at Patna.

(Sunil Kumar Panwar, J)

Amandeep/-

U		T	
---	--	---	--

