

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18307 of 2023

In
CRIMINAL MISCELLANEOUS No.7465 of 2021

Arising Out of PS. Case No.-251 Year-2019 Thana- DARAUNDA District- Siwan

=====

FIROJ SAI @ FIROJ SEN @ MOHAMMAD FIROZ S/O Mohammad
Samsuddin @ Sarfuddin Sai @ Samsuddin Sah R/O Village- Rajanpura, P.S-
M.H. Nagar, District- Siwan (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shakib Ayaz, Advocate.
For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

This application has been filed for modification of the
order dated 3.2.2021 passed in Cr. Misc. 7465 of 2021

By an order dated 25.02.2020 passed in Cr. Misc.
86113 of 2019, this Court while considering the anticipatory bail
application of the petitioner in connection with Daraunda (M.H.
Nagar) P.S. Case No. 251 of 2019 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016, granted anticipatory bail to the petitioner and directed the
petitioner to surrender before the Special Judge Excise, Siwan,
within four weeks from the date of receipt of copy of the order



with further direction to release the petitioner on anticipatory bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each.

In compliance of the aforesaid order of this Court, the petitioner did not surrender within four weeks and after a lapse of about one year, the petitioner filed a petition for modification of the order dated 25.2.2020 passed in Cr. Misc. 86113 of 2019 to the extent of extension of time to surrender before the concerned court by further four weeks. It was submitted by the petitioner that due to intervening Covid-19 pandemic, he could not surrender before the learned court below within time granted by this Court vide order dated 25.02.2020. This Court having regard to the submission made on behalf of the petitioner, extended the time to surrender before the concerned court by further two weeks from the date of the order i.e. 3.2.2021 passed in Cr. Misc. 7465 of 2021.

This time also the petitioner did not surrender within two weeks and after a lapse of another one year, the petitioner again filed the present modification application seeking further extension of time to surrender before the Special Court taking the plea of Covid-19 pandemic.

Having heard learned counsel for the petitioner, I am



of the opinion that the plea taken by the petitioner is not acceptable inasmuch as twice the petitioner was granted opportunity to surrender, but the petitioner failed to surrender and on the first instance, after one year, filed a petition for modification of the original order granting anticipatory bail on the same plea of pandemic.

This Court is of the opinion that the petitioner in abuse of the process of the Court, has filed modification petitions successively, having no substance. The petitioner has not shown any genuine ground for not surrendering before the learned Special Court.

Accordingly, I am not inclined to entertain this second modification application. In the result, this application stands dismissed.

(Anil Kumar Sinha, J)

S.Ali/-

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

