

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48754 of 2023

Arising Out of PS. Case No.-37 Year-2021 Thana- BALRAMPUR District- Katihar

MD ABDUL RAZZAK @ ABDUL RAZZAQUE @ ABDUR RAZZAQUE
@ MD ABDUR RAZZAQUE @ MD. UBDUR RAZZAQUE SON OF LATE
MD HASIBUR RAHMAM RESIDENT OF VILLAGE- SRI SYED
COLONY WARD NO. 2, ARARIA, PS- ARARIA, DISTT- ARARIA, AT
PRESENT RESIDENT OF VILLAGE- BARDANGA, PS- MAHALGAON,
DISTT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. Earlier the anticipatory bail application of the petitioner
was dismissed as not maintainable as at that time, petitioner was
not made accused in the present case.

3. This is the second attempt of the petitioner for grant of
anticipatory bail as during investigation, it has come that the
petitioner is the owner of the vehicle seized by the police and he
has been made an accused.

4. Petitioner apprehends his arrest in connection with a case
registered for the offence punishable u/s 30(a) of the Bihar
Prohibition and Excise Act.



5. Altogether 50.28 litres of foreign liquor is said to have been recovered from the car of the petitioner.

6. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case due to ulterior motive. His name transpired in this case on the basis that he is the owner of the car loaded with illicit liquor. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

7. Petitioner is agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

8. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Balrampur P.S. Case No.37 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

9. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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