

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47332 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- FALKA District- Katihar

Md Shaukat @ Md Shaukar S/O Md. Alauddin R/O Village- Gaiyari, Ps.
Araria, Dist. Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 29.03.2023, in connection with Falka (Pothia) P.S. Case No. 92 of 2023, F.I.R. dated 28.03.2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 234 litres of *cough syrup*.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that altogether 234 litres of cough syrup was recovered from the Scorpio in question and without FSL report the petitioner has been



implicated in the present false and fabricated case. He further submits that co-accused was also apprehended along with the petitioner namely Abbujar @ Abujar who has been granted bail by a Coordinate Bench of this Court vide order dated 06.07.2023 passed in Cr. Misc. No. 41031 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. cum Exclusive Special Excise Court No.II, Katihar in connection with Falka (Pothia) P.S. Case No. 92 of 2023, subject to 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 absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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