

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52811 of 2023

Arising Out of PS. Case No.-869 Year-2021 Thana- ARARIA District- Araria

Akbar Ali Son Of Shaizuddin Miah Resident Of Village - Bhatkuchi, P.S. And District - Barpeta, Assam – 781314.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 10.07.2023 in connection with Araria (R.S.) P.S. Case No. 869 of 2021, F.I.R. dated 06.10.2021 for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Recovery is of total 1026 liters of foreign liquor.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the Truck in question. He further submits that the name of the petitioner has been transpired on the basis of disclosure made by the driver of



the truck namely, Ravi Mallick and petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the similarly situated co-accused namely, Ravi Mallick has been granted bail by this Court vide order dated 11.03.2022 passed in Cr. Misc. No.70213 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner on 25.11.2021 and the petitioner is in custody since 10.07.2023.

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

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of disclosure made by the driver of the truck namely, Ravi Mallick, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-I, Araria in connection with Araria (R.S.) P.S. Case No. 869 of 2021, subject to the following conditions:-



1. One of the bailors should be father of the petitioner, namely, Shaizuddin Miah.

2. 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.

3. 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.

4. 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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