

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56282 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- RAHIKA District- Madhubani

Md. Khurshid @ Chunnu Son Of Late Safiur Rahman @ Munna Resident Of
Village- Rahika Petrol Pump

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Ranjan, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, A.P.P

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 30-01-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 272 and 273 read with
34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, on seeing the police three
miscreants boarded on Tata Magic managed to flee away and
later on 525 litres of illicit liquor was recovered from the said
vehilce.



Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is accused in six other criminal cases which are related to Excise Act as stated at para 3 of the bail petition. Nothing has been recovered from the possession of the petitioner. The petitioner was not arrested on the spot. The said vehicle is not of the petitioner. The other co-accused person has already been granted regular bail by the Co-ordinate Bench *vide* order dated 02.03.2022 passed in Cr. Misc. No. 258 of 2022.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that petitioner is a habitual of liquor as he is accused in six other cases which all are related to Excise Act.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhubani in connection with G. R. Case No. 1667 of 2021 arising out of Rahika P.S. Case No. 136 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further conditions:-



1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond .

2. If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

The application stands allowed.

(Chandra Prakash Singh, J)

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