

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58897 of 2022

Arising Out of PS. Case No.-326 Year-2020 Thana- NARPATGANJ District- Araria

Imtiyaz @ Imteyaz Alam, Son of Makbul Husain R/o- Ward No.- 10, Near Masjid, Vill - Koily, P.S.- Birpur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawaz Shareef

For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Special Case No. 570 of 2020, arising out of Narpatganj (Ghurna O.P.) P. S. Case No. 326 of 2020, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 185 litres of liquor was recovered from a car, bearing Registration No. WB02S-8243.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that neither the liquor nor the seized vehicle belongs to the petitioner. He further submits that the name of the petitioner transpired in the confessional statement of co-accused Lalit Paswan and Ranjan Paswan, which has no evidentiary value in the eyes of law.

He further submits that the petitioner has been languishing in jail since 18.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge, Excise-1, Araria, in connection with Narpatganj (Ghurna O.P.) P. S. Case No. 326 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that



the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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