

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62643 of 2022

Arising Out of PS. Case No.-576 Year-2022 Thana- AGAMKUAN District- Patna

Ali Ahmad @ Engineer Son of Late Nasrulla Khan R/O Village - Baswariya,
P.S.- Bettiah (Town), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 08.08.2022, in connection with Agamkuan P.S. Case No. 576 of 2022, F.I.R. dated 07.08.2022 registered for the offences punishable under Sections 420, 467, 468, 471, 399, 401, 402, 414 of the Indian Penal Code, Section 30(a) of the Bihar Prohibition and Excise Act, 2016, Section 25(1-b) of Arms Act and Sections 20, 22 of the N.D.P.S. Act.

The case relates to recovery of 3.375 litres of liquor and 5.20 Kg. of *Ganja* from a vehicle.

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 one mobile phone has been recovered from the possession of the petitioner and 3.375 litres of liquor and 5.20 Kg. of *Ganja* has been recovered from the vehicle in question. He further submits that the petitioner is neither the driver nor the owner of the vehicle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the *Ganja*. He further submits that the recovered *Ganja* is less than the commercial quantity and hence there is no embargo under Section 37 of the ND.P.S. Act for grant of bail to the petitioner and there is non compliance of Section 50 of the N.D.P.S. Act. He further submits that co-accused person, namely, Anjani Singh @ Pappu @ Sanjay has been granted bail by a Coordinate Bench of this Court vide order dated 16.02.2023 passed in Cr. Misc. No. 64747 of 2022 and another co-accused persons, namely, Md. Sarukh @ Md. Shahrukh @ Dablu and Nasir Khan have been granted bail by a Coordinate Bench of this Court vide order dated 25.02.2023 passed in Cr. Misc. No. 68379 of 2022 and analogous case. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.08.2022.

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

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 Exclusive Special Judge, Excise, Patna City, Patna, in connection with Agamkuan P.S. Case No. 576 of 2022, 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.

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(Rajesh Kumar Verma, J)

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