

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64103 of 2022**

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

Sikandar Miyan @ Doctor Saheb @ Md. Sikandar Ali Son of Late Niyamat  
Miyan Resident of Basbariya, P.S- Nagar Bettiah, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      26-04-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

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

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 for the offences punishable under  
Section 30(a) of Bihar Prohibition and Excise Act, Sections 420,  
467, 468, 471, 399, 401, 402 and 414 of the Indian Penal Code,  
Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20  
and 22 of the NDPS Act.

Recovery is of 5.2 kg Ganja, one mobile phone, one  
loaded country made pistol, 3.375 liters of foreign liquor and



two other mobile phones.

Learned counsel for the petitioner submits that petitioner 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 altogether 5.2 kg Ganja, one mobile phone, one loaded country made pistol, 3.375 liters of foreign liquor and two other mobile phones have been recovered from the possession of the accused persons including the petitioner. He further submits that it appears from seizure list that only one mobile phone has been recovered from the possession of the petitioner and ganja has been recovered from the vehicle in question. He further submits that similarly situated co-accused person, namely, Md. Sarukh @ Md. Shahrukh @ Dablu has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.02.2023 passed in Cr. Misc. No. 68379 of 2022 and another co-accused namely, Nasir Khan has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.02.2023 passed in Cr. Misc. No. 70139 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 08.08.2022.

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



ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in said case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna City (District- 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 witnesses, 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 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)**

Vanisha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

