

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73266 of 2022

Arising Out of PS. Case No.-165 Year-2021 Thana- KHAJAULI District- Madhubani

MD. FURQUAN TAHIR SON OF MD. TAHIR R/O VILLAGE- SAMAILA,
P.S.- KEOTI, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Jubair Ansari, Adv.
For the Opposite Party/s : Mr.Braj Kishore Pd., APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-03-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 & 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Altogether, 132 litres of liquor has been recovered from the motorcycle near Bela Kothi Lichi Bagan and the petitioner has conceded that he is the owner of the said motorcycle.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner rather 132 liters of liquor is said to have been recovered from motorcycle. Petitioner has no concern either with the seized liquor or the place of



recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner is not named in the FIR. Petitioner has been falsely implicated in this case due to ulterior motive. It is further submitted that during the course of the investigation, the petitioner's name has been transpired in this case on the basis that he is the owner of the seized motorcycle. But the motorcycle has not been registered in the name of the petitioner which is also mentioned in para 7 of the bail application. He was not apprehended on the spot. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court



below where the case is pending/successor Court in connection with Khajauli P.S. Case No. 165 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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