

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73623 of 2022**

Arising Out of PS. Case No.-170 Year-2020 Thana- KURSAKANTA District- Araria

MD. MUZAMIL @ MD. MUZAMMIL Son of Md. Rafique Resident of
Village- Lailokhar Garaiya, Ward No.-5, P.S.- Kursakanta, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

The petitioner apprehends his arrest in connection
with Kursakanta P.S. Case No. 170 of 2020 for the offence
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per the prosecution story, the police intercepted
two motorcycles and recovered/seized altogether 67.5 litres
'Umanga' Nepali liquor.

The defence case is that nothing has been recovered
from the motorcycle owned by the petitioner nor he was in any



way related to the present case and further provision of Section 100 of the Cr.P.C was also not followed before the alleged seizure. The last submission is that the motorcycle was given to the petitioner's brother who had gone for the treatment of his wife's eye and as they went to attend nature's call after parking the motorcycle near the house of the Pintu Sah, on suspicion, the name has been dragged in.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the aforesaid facts as also the nature of recovery and further that nothing has been recovered/seized from his motorcycle, this Court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-II, Araria in connection with Kursakanta P.S. Case No. 170 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner (s) shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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