

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75281 of 2024

Arising Out of PS. Case No.-666 Year-2020 Thana- DEHRI TOWN District- Rohtas

Md. Irshad @ Irshad Husain Son of Md. Jameel Ahmad R/O-Village- Begam Sarai, PS- Kotwali, Distt.- Sambhal, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 4407.12 litres of foreign made liquor is said to have recovered from a Truck. He submits that prior to registration of this case, the petitioner was the owner of the said Truck, which was purchased by him on 21.01.2020 from Sri Ram Commercial Vehicle Finance Company. He further submits that a legal notice was sent by Sri Ram



Commercial Vehicle Finance Company Limited to the petitioner on 29.12.2020, stating therein that due to non-payment of installments, the truck was auctioned by the financier on 22.06.2020 to another person. The petitioner has no criminal antecedent as stated in para-3 of the bail application.

4. Petitioner is agreed to deposit a sum of Rs.5,000/- (Rupees Five Thousand) in Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch, Patna.

5. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, 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 eight 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 the learned Court below where the case is pending/successor Court in connection with Dehri (Town) P.S. Case No.666 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:

(1) That one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

6. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan, Patna.

7. However, the learned Court below is directed to verify the criminal antecedent of the petitioner before accepting the bail bonds. If it is found that the petitioner is involved in any other case prior to the present case his bail bonds shall not be accepted.

(Anjani Kumar Sharan, J)

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