

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85855 of 2024

Arising Out of PS. Case No.-87 Year-2007 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Tola Mian @ Atiur Rahman S/O Ajj Mian Resident of Village- Jamo, P.S.-
Jamo Bazar, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-12-2024 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 47 (a) of
the Bihar Prohibition and Excise Act.

3. It is submitted by learned counsel for the
petitioner that no incriminating article has been recovered from
the conscious physical possession of the petitioner rather
32.055 liters of foreign liquor is said to have been recovered
from the shop of the petitioner. Petitioner has no concern
either with the seized liquor or any trade of liquor. The
allegation levelled against the petitioner is not specific rather
general and omnibus in nature. Petitioner has been falsely



implicated in this case at the instance of his enemy by planting the aforesaid recovery. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

4. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No.: 7801893276, IFSC Code : IDIB000L501, Bank Name: Indian Bank, Branch-LNMI, Bailey Road, Patna.

5. 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 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 learned Court below where the case is pending/successor Court in connection with C II No. 87 /2007, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that

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

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



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 Lawyers’ Association Welfare Benevolent Fund.

7. The court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no.3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no.3, this order will loose its force automatically.

(Anjani Kumar Sharan, J)

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