

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26777 of 2019

Arising Out of PS. Case No.-81 Year-2018 Thana- BANGARA District- Samastipur

Salim Khan Pathan, Son of Nur Mohammad @ Noor Mohammad, Resident
of Village - Mangalwar Chorya, P.S.- Mangalwar Chorya, Distt - Chittorgarh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr.Choubey Jawahar

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 24-04-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with N.H. Bangra P.S. Case No. 81 of 2018 registered under
Sections 272 and 273 of the Indian Penal Code and Sections
30(a) and 38 of the Bihar Excise Act, 2018.

The accusation is that in course of checking of the
vehicles, one truck bearing registration no. RJ09GB-0745 was
intercepted at N.H. 28, near Petrol Pump, Muradpur Bangra but
none was present there. On unfolding the Tirpal, 480 cartoons
containing 4233 litres of Indian made foreign liquor concealing
in bags of POP were recovered. On opening the tool box, owner
book and driver licence were recovered and in the owner book,



the name of the petitioner was shown while on driving licence, the name of Sarafat Ali, son of Salim Khan, resident of 145, Desh Raj Colony, Gurgaon, Hariyana was shown.

Learned counsel for the petitioner submits that, in fact, petitioner is the owner of the seized truck, which was attached with the public transport for fare and petitioner had no knowledge about carrying the illicit liquor concealing in the POP bags loaded from the Transport Office and petitioner has no criminal antecedent.

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. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Judge, Excise Act, Samastipur, in connection with N.H. Bangra P.S. Case No. 81 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C. One of the bailor must be local person.

(Rajendra Kumar Mishra, J)

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