

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36674 of 2019

Arising Out of PS. Case No.-735 Year-2018 Thana- KANTI THARMAL POWER District-
Muzaffarpur

MD. FAROOQ S/O Md. Intajar Resident of Jalalabad (Rural), P.S.- Bhawan,
District- Shamali, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Mishra
For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 31-07-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Kanti P.S. Case No.
735/2018, instituted for offences under Section(s) 120(B) of the
Indian Penal Code read with Sections 30(a), 41, 44, 45 and 48
of the Bihar Prohibition and Excise Act.

Earlier prayer for bail of petitioner was rejected by
this Court vide order dated 30.01.2019 passed in Cr. Misc. No.
3613/2019 with liberty to renew prayer for bail after six months
in the event no substantive progress is made in trial.

It is alleged in the written report that 2224 litres of
foreign liquor has been recovered from truck. Petitioner is
alleged to be *Khalasi* of aforesaid truck.



Report from the court below regarding stage of trial has been received, from which it appears that case is pending for hearing on discharge petition filed under Section 239 of the Cr.P.C.

Learned counsel for the petitioner has submitted that driver of the vehicle has already been granted bail by a Co-ordinate Bench of this Court vide order dated 15.05.2019 passed in Cr. Misc. No. 29444/2019.

Petitioner is in custody since 22.11.2018.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur, in connection with Kanti P.S. Case No. 735/2018, subject to the conditions that

- (I) both the bailors shall be the close relative of the petitioner.
- (II) Petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in



cancellation of bail bond of the
petitioner and

(III) if petitioner tamper with the evidence
in the case, prosecution will be at
liberty to move for cancellation of bail
bond of the petitioner.

(Sanjay Priya, J)

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