

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18161 of 2020

Arising Out of PS. Case No.-353 Year-2019 Thana- HARSIDHI District- East Champaran

SHEIKH EKRAM MIAN Son of Dil Mohammad Mian Resident of Village -
Jaisinghpur Gharwari, P.S.- Turkaulia, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Mr. Ashok Kumar, APP

Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Shakil Ahmad Khan, the learned counsel appearing for the petitioner and Shri Ashok Kumar, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Harsidhi P.S. Case No. 353 of 2019 for the offence punishable under Sections 272, 273, 188, 420, 308/34 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of huge quantity of raw spirit from a truck standing on the road in an abandoned



condition.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a clean antecedent and has been falsely implicated in the present case. It is further submitted by referring to paragraph No. 6 of the present petition that neither the petitioner has been arrested from the spot nor any recovery has been made from his conscious possession. The learned counsel for the petitioner has also referred to paragraph no. 12 of the present petition to contend that the petitioner is also not the owner of the truck. It is submitted that the names of the villagers i.e the accused persons including the petitioner have been falsely given by the so-called witnesses, for the purposes of their false implication. Lastly, it is submitted that the petitioner is languishing in custody since 23.12.2019.

Per contra, the learned APP appearing for the State has submitted that the petitioner is named in the FIR and there is specific allegation against him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also considering the fact that the petitioner is having a clean antecedent and is languishing in custody since 23.12.2019 apart from the admitted fact that in the FIR the



petitioner has neither been stated to be the owner of the truck nor its driver nor Khalasi, I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of learned Additional Sessions Judge-IX cum Special Judge (Excise), East Champaran at Motihari in connection with Harsidhi P.S. Case No. 353 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Additional Sessions Judge-IX cum Special Judge (Excise), East Champaran at Motihari in connection with Harsidhi P.S. Case No. 353 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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