

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17407 of 2020

Arising Out of PS. Case No.-431 Year-2019 Thana- BIKRAM District- Patna

Farukh Shah, aged about 35 years, male, son of Ramjan Shah, resident of Taigore Bedi, Ward No. 24, Sendhwa, Distt - Barwani, Madhya Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 29-05-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Jeetendra Narayan, learned counsel for the petitioner and Md. Aslam Ansari, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner seeks bail in connection with Bikram P.S. Case No.431 of 2019 dated 31.12.2019 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that from the truck he was driving 6057 litres of foreign liquor was recovered.

5. Learned counsel for the petitioner submitted that he is only the driver of the truck which is registered in the State of



West Bengal and he is resident of the State of Madhya Pradesh. It was submitted that he is a poor person earning a low monthly salary and is not involved in any liquor business and only due to unfortunate circumstances has been caught. Learned counsel submitted that the petitioner being the sole bread-earner, his family is under great hardship, especially in the present trying times. It was submitted that the petitioner has no other criminal antecedent and is in custody since 31.12.2019, though officially remanded on 02.01.2020.

6. Learned APP submitted that the petitioner was driving the truck from which huge quantity of liquor has been recovered.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, Patna, in Bikram P.S. Case No.431 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court



that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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