

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17914 of 2020

Arising Out of PS. Case No.-476 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

SAKIL ALI KHAN @ SAKIR ALI KHAN Son of Musha Khan Resident of
Village - Meda Rani, Alih Khurdh, Court Road Nuszedh, P.S.- Hathin, Distt -
Palaul, Hariyana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Bindo Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

2 14-05-2020

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 272, 273, 467, 468, 471,
120(B)/34 of Indian Penal Code and Sections 30(a), 41(i) of
the Bihar Prohibition & Excise (Amendment) Act, 2018.

Allegation is recovery of 5330.880 litres foreign
liquor from a truck and 8.640 ml. of foreign liquor from a
cartoon which was fallen from the bike of the miscreants.

It has been submitted on behalf of the petitioner that
petitioner is innocent and has falsely been implicated in this
case in order to save the real culprits. It has further been
submitted that on the alleged date and time of occurrence,



petitioner was returning from a function of his friend and on the way, he was caught by the police merely on suspicion. No incriminating material has been recovered from the possession of the petitioner. It has lastly been submitted that petitioner is neither the driver nor the owner of the truck and he has no concern with the recovered liquor. Petitioner has no criminal antecedent and he is in custody since 17.12.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Siwan Muffasil (Madadeva) P.S. Case No.476/2019 , with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature



of offences, after his release on bail the trial court shall take
steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

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