

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77278 of 2019

Arising Out of PS. Case No.-79 Year-2019 Thana- BAISI District- Purnia

ISTAB ALI @ ISTIAB ALI Son of Ozzir Mohhamed @ Ozzair Resident of
Village - Nitaichipur (Nijitpur), P.S.- Dalkola, District - Uttar Dinajpur (W.
B.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Prakash Sharma

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-03-2020 Heard both sides.

The petitioner seeks bail in Baisi P.S. case No. 79/2019, corresponding to Special Excise Case No. 309/2019, registered under Section 272, 273/34 of the Indian Penal Code and u/s 30(a), 33, 41, 47 of the Bihar Prohibition & Excise Act.

The informant intercepted a truck loaded with 40 drums, each containing 200 liters of spirit, and apprehended the driver of the truck who disclosed his name as Pankal Lal Basak. The driver disclosed that one Pradeep took his truck on hire for transporting the spirit on an additional payment of Rs. 10,000/- to him. Istab Ali, the petitioner, is owner of the truck.

The learned counsel for the petitioner submits that, of course, the petitioner is owner of the truck but even if it is presumed that petitioner is owner of the truck there is no material that driver of the truck was illegally transporting the spirit on the instruction of the petitioner. The petitioner is in custody since 25.09.2019. The driver of the truck has already



been granted bail vide order dated 10.05.2019 passed in Cr. Misc. No. 31156/2019. Pratap Kumar Gupta @ Pradeep has been granted anticipatory bail.

The learned APP, however, opposed the prayer for bail and submitted that petitioner is owner of the truck.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that petitioner is in custody since 25.09.2019 and the driver of the truck has already been granted bail, the petitioner, above named is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II- Purnea, in connection with Baisi P.S. case No. 79/2019, corresponding to Special Excise Case No. 309/2019.

(Prabhat Kumar Jha, J)

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