

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82046 of 2019**

Arising Out of PS. Case No.-45 Year-2019 Thana- SALAIYA District- Aurangabad

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SAHDAB KHAN @ SHATAB KHAN @ SHADAB KHAN, aged about 34  
years, Male, Son of Neyaz Khan, Resident of Village - Shihuli, P.S.- Rafiganj,  
District- Aurangabad ... Petitioner

Versus

The State of Bihar ... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Leelawati Kumari, Adv.

For the Opposite Party : Mr. Parmanand Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

**ORAL ORDER**

3 09-06-2020

Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the state thorough video  
conferencing.

The petitioner seeks pre-arrest bail in connection with  
Salaiya P.S. Case No. 45 of 2019, registered under Section 30(a) of  
the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty the  
informant and other police personnel received information about  
carrying the liquor loaded on Bolero vehicle from village Tetraiya  
towards Forbesganj, the informant, along with other police personnel  
reached there. In way a Bolero vehicle was seen in fast speed. On  
seeing the police party the driver of the vehicle started to flee away  
leaving the vehicle and succeeded in fleeing away taking advantage  
of darkness. One person was sitting in the Bolero vehicle, who  
disclosed his name Akhilesh Choudhary, the owner of the vehicle and  
also disclosed the name of driver, Nimohi Choudhary, who succeeded  
in flee away. On search of Bolero, 7 plastic gallons, each containing  
50 liters Indian made foreign liquor. A motorcycle was also moving



in front of the Bolero vehicle for instructing the direction to the Bolero that person also moved leaving his motorcycle bearing registration no. BR-266-2611.

Submission is that the petitioner is the owner of the seized motorcycle, bearing registration no. BR-266-2611, but, he sold the said motorcycle on 23.02.2019 to Akhilesh Choudhary, named co-accused, and the present case has been lodged on 16.07.2019. Further, submission is that the petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Salaiya P.S. Case No. 45 of 2019 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge VII-cum-Special Judge, Excise, Aurangabad, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

**(Rajendra Kumar Mishra, J)**

Shamshad/-

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