

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14641 of 2021**

Arising Out of PS. Case No.-177 Year-2020 Thana- DAGARUA District- Purnia

1. SHEIKH JAMIL S/o Salauddin Shaikh @ Salahuddin R/o Bhorasa, Ward No.14, P.s.- Bhorasa, District- Devas (M.P.)
2. SHEIKH BHAYYU S/o - Sheikh Majid R/o Bhorasa, Ward No.14, P.s.- Bhorasa, District- Devas (M.P.)

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate
For the Opposite Party/s : Mr.Md. Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-06-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Special Case Excise Case No. 430 of 2020 arising out of Dagarua P.S. Case No. 177/2020 registered for the offences punishable under Section 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution story, while the informant was on patrolling duty he got secret information that huge consignment



of illegal liquor is coming towards Purnea in a Truck, on this information he rushed to that place and started checking of the vehicle and when the said truck was asked to stop, the driver and conductor of the Truck tried to flee away by leaving the Truck but apprehended by police and they disclosed their names and details. On search total 2115 liters of illegal liquor were recovered from the Truck.

Learned counsel for the petitioners submits that petitioner has been falsely implicated in this case on mere suspicion. Learned counsel submits that petitioner no. 1 is driver and petitioner no. 2 is conductor of the Truck in question and they had no knowledge regarding the liquor kept in the said Truck. Learned counsel submits that petitioners are in custody since 13.10.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that they are the driver and khalasi respectively of the vehicle in question from which the illicit liquors had been recovered, submission being that they are the daily wagers and were not aware of the materials kept in the vehicle which is not



owned by them and they had taken the vehicle to the State of Bihar as per the instruction of the owner of the vehicle, petitioners are in custody since 13.10.2020, they have otherwise no criminal antecedent, investigation against them is complete but the trial is not likely to be concluded in near future, considering all these aspects of the matter, this Court directs release of the petitioners above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnea, in connection with Special Excise Case No. 430 of 2020 arising out of Dagarua P.S. Case No. 177/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that one of the bailors would be a local resident of the State of Bihar having sufficient means and immovable property.

Learned counsel for the petitioners has undertaken to provide one such surety.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

