

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16180 of 2021**

Arising Out of PS. Case No.-524 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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SHAHNAWAZ KHAN S/O SAMMI KHAN @ MD. SHAMIM KHAN R/O
MOHALLA-AWAL, P.S-CHATRA, DISTRICT-CHATRA (JHARKHAND).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate.

For the Opposite Party/s : Mr. Shantanu Kumar, APP

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

2 25-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Shantanu Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Excise Case No. 524 of 2020 registered for the
offences punishable under Sections 30 (a), 56 (B) of Bihar
Prohibition Excise Act, 2016.

Learned counsel for the petitioner submits that as per the
prosecution story, during checking of vehicles at Dhobi Checkpost
a Tata magic pickup van came, the checking party stopped the said
vehicle but the driver fled away and one person was apprehended
by the police who disclosed his name as Shahnawaz Khan who



happens to be the khalasi of the said vehicle and he also disclosed the name of the person who managed to escape as Abid and on search of the vehicle total 1050 liters of illicit country-made liquor was recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is the khalasi of the vehicle in question and he was not aware of the illicit liquor concealed in the vehicle. The petitioner is in custody since 9.12.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is said to be the khalasi of the vehicle in question and it is the submission of learned counsel for the petitioner that he was not aware of the illicit liquor concealed in the vehicle as he was never told about it by the owner of the vehicle or the driver of the vehicle, he has remained in jail in connection with this case since 9.12.2020, prior to the present case he had no criminal antecedent, investigation against him is complete but the trial is not likely to be taken up in near future, considering all these facts this Court directs release of the



petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Excise Case No. 524 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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 sureties shall be a local resident of the State of Bihar having sufficient means and immovable property.

The application stands allowed.

(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'.

