

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22835 of 2021

Arising Out of PS. Case No.-218 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

MD. SHAKIL S/o- Md. Wahab @ Abdul Bahad Resident of Village-
Rajokhar, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-11-2021 Heard Sri Manish Kumar, learned counsel for the
petitioner and Sri Anil Kumar, learned A.P.P. for the State.

The petitioner seeks bail in connection with C-1-
218 of 2020, for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016 as amended up to date.

The prosecution case, in brief, is that on
information, Tata 407 Pickup van bearing registration no. BR-
11GB-7154 was searched from which altogether 630 litres of
Indian Made Foreign Liquor recovered beneath the cauliflower.
The petitioner was also intercepted and arrested on the spot
along with the aforesaid seized liquor.

Learned counsel appearing for the petitioner
submits that petitioner is the driver of the said vehicle and he
has no concerned with the alleged illicit liquor seized from the



vehicle. He further submits that petitioner has been directed to transport the vegetables from Bengal. He further submits that the main allegation is against the owner of the vehicle, who is involved in such illegal trade of liquor. He further submits that petitioner has no criminal antecedent and he has falsely been implicated in this case.

Learned A.P.P. for the State submits that huge quantity of liquor was recovered from the conscious possession of the petitioner and as such he does not deserve to be released on bail.

Having considered the facts and circumstances of the case, the allegation made in the complaint as well as the fact that the vehicle on which the recovery of 630 litres of Indian Made Foreign Liquor was recovered, the owner of the vehicle is responsible, whereas the petitioner is driver, who was required to deliver cauliflower from Bengal to Puruliya and had no knowledge that illicit liquor are hidden on the vehicle. Let the petitioner be released on bail subject to furnishing of Rs. Two Lakh on his behalf by the owner of Tata 407 Pickup van bearing registration no. BR-11GB-7154 in favour of Bihar State Legal Services Authority at Patna in Court below, which shall be retained by the Court below to see that the petitioner does not



involve in any other similar case or any case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioner shall be released forthwith upon furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Purnea in connection with C-I-218 of 2020 subject to the following conditions:-

(I) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(II) That the petitioner shall not indulge in any similar offence till conclusion of the trial. 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 bonds.

(III) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

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



It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioner is uniformly good, then the said draft be returned back to the petitioner on such appropriate terms and conditions fixed by the court below.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

