

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28987 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- CHAKAND District- Gaya

MD. MOJIB S/o Md. Sayad @ Md. Said Jarna R/o village- Pipre Khalsa,
P.S.- Kanhai Hanumanganj, District- Pratapgarh (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 10-12-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2016 and sections 467, 468, 471 and 120B of the Indian Penal Code.

As per the prosecution case, 4500 litres of liquor was recovered from the truck of which the petitioner is stated to be the helper/*khalasi*.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No incriminating article has been recovered from his possession. He being a mere helper in the truck, was not aware with the contents of the goods loaded. The petitioner is in custody since



16.2.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

The prayer for bail of the petitioner is opposed by learned A.P.P. for the State who submits that the petitioner is a resident of outside the State of Bihar.

Having heard learned counsel for the parties and taking into consideration the facts of the case specially the petitioner not having any criminal antecedent and having been remained in custody for over 9 months, the Court directs the petitioner to be enlarged on bail in connection with Chakand P.S. Case no. 41 of 2021 on 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-cum-Special Judge of Excise Act, Gaya subject to the condition that one of the bailors of the petitioner shall be a resident of a place within the jurisdiction of the learned Court below and the other bailor shall be a close relative of the petitioner.

(Partha Sarthy, J)

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