

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30220 of 2021**

Arising Out of PS. Case No.-344 Year-2020 Thana- BAKHTIARPUR District- Saharsa

ABDUL RAHEES KHAN Son of Ahmad Noor Resident of House No.98,
Sanjay Colony, O.P. Balwa, P.S.- Jhalawar City, Distt.- Jhalawar, Rajasthan
3200001

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Jha

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 13-08-2021 This matter is taken up for consideration through
Video Conferencing.

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

The petitioner seeks bail in Bakhtiyarpur P.S. Case
No. 344 of 2020 corresponding to Special (Excise) Case No.
454 of 2020, registered for the offence punishable punishable
under Sections 30(a)/41(1) of the Bihar Prohibition and Excise
Act, 2016.

4849.5 litres of foreign liquor has been recovered
from a truck of which this petitioner was driver.

It is submitted that no recovery has been made from
conscious possession of this petitioner. Petitioner was simply
following the instruction of owner and he was not aware about



the nature of consignment. Petitioner is in custody since 13.10.2020 having no criminal antecedent, as stated in para 3 of the petition. Investigation is complete.

Considering the period of custody coupled with the fact that petitioner bears clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S. Case No. 344 of 2020 corresponding to Special (Excise) Case No. 454 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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