

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34163 of 2021

Arising Out of PS. Case No.-31 Year-2021 Thana- GAIGHAT District- Muzaffarpur

1. Jawed Khan S/O Haidar Ali R/O Mohalla-Tanjim Nagar, Khajarana, P.S-Khajarana, District-Indore, M.P.
2. Babu Shah S/O Hussain Shah R/O Gandhi Gram, Indore Road, Khajarana, P.S-Khajarana, District-Indore, M.P.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Opposite Party/s : Miss Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 13-12-2021 The applicants/accused in Crime No. 31 of 2021 registered with Gaighat Police Station for the offences punishable under sections 272, 273, 420, 467, 468, 471 and 120(B) of the Indian Penal Code and Section 30(a) 36, 41(1) of Bihar Prohibition and Excise (Amendment Act), 2018, by this application is seeking their release on bail during pendency of the trial.

Heard the learned counsel for the applicants. He submits that the applicants are merely driver and cleaner of the truck in which the spirit was found and after conclusion of the investigation they are entitled to bail.

Learned APP opposed the bail application by



contending that alcohol in large quantity was found to be imported in Bihar and therefore, the applicants are not entitled to bail.

I have considered the submission so advance.

On the basis of secret information, the truck of which the applicants are stated to be the drivers came to be intercepted and both the applicants were apprehended on the spot of the incident with others. From that truck 8040 liters of the spirit came to be seized. The investigation of the crime in question is already over. The FIR itself mentions that the applicants were drivers of the truck. The applicants/accused are not having any criminal antecedents as stated by the learned counsel for the applicants. Hence, the order.

The application is allowed.

The applicants/accused in Crime No. 31 of 2021 registered with Gaighat Police Station is directed to be released on bail on executing P.R. Bond of Rs. 15,000/- (Fifteen Thousand) each on furnishing sureties of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from



disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should not repeat the trial in expeditious disposal of the trial against him.

(III) The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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