

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31114 of 2021

Arising Out of PS. Case No.-201 Year-2020 Thana- BAKHTIYARPUR District- Patna

1. MD. FIROJ KHAN Son of Late Abdul Majid @ Late Abdul Mazid Resident of Village - House (Makan) No. 195 Tanzim Nagar, P.S.- Khajrana, District - Indor (Madhya Pradesh)
2. Md. Farukh Son of Late Bali Mohammad Resident of Village - House (Makan) No. 195 Tanzim Nagar, P.S.- Khajrana, District - Indor (Madhya Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-12-2021 Heard Mr. Vinay Kumar Mishra, learned counsel for the petitioners and Md. Ataur Rahman, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Sessions Trial No. 403 of 2020 arising out of Bakhtiyarpur P.S. Case No. 201 of 2020 registered for the offences punishable under Sections 411, 413, 414, 420, 467, 468, 471 and 120B/34 of the Indian Penal Code 1860.

The allegation as per the First Information Report is that the Police on the basis of secret information that illicit liquor was being unloaded, arrived at the Champapur North



Ganga river, near Radha brick kiln, and upon seeing the Police party, two boats fled away towards Ganga river and a truck was standing near the river. It has further been alleged that the two persons upon seeing the Police party tried to flee away, but they were arrested and they disclosed their names as Md. Firoj Khan and Md. Farukh (petitioners). It has further been alleged that there was difference in the registration number of the truck mentioned in the owner book and the number plate attached with the truck.

Learned counsel for the petitioners submits that the petitioners are driver and *khalasi* of the truck in question and they have got no criminal antecedent. Learned counsel further submits that the truck owner is Ram Pravesh Sharma and chassis number and engine number of the truck are written in the owner book. Learned counsel next submits that from the allegation made in the First Information Report, one letter of number plate of the aforesaid truck was illegible and not clear. He also submits that there is no allegation against the petitioners that they have done any manipulation and alteration in the number plate of the truck. The petitioners are in custody since 31.8.2020 and the charge sheet has already been submitted.

Regards being had to the submission made by the



parties and taking into consideration the materials on record, the fact that the petitioners have got no criminal antecedents, they are driver and *khalasi* of the truck, they are in custody since 31.8.2020, charge sheet has already been submitted and there is no likelihood that the petitioners will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Barh, Patna, in connection with Sessions Trial No. 403 of 2020 arising out of Bakhtiyarpur P.S. Case No. 201 of 2020 subject to the condition that one of the bailors shall be the local who resides within the territorial jurisdiction of the concerned Police station.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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