

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34952 of 2021**

Arising Out of PS. Case No.-1292 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Aurangabad

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Sarfaraj Ali Son Of Issa Ali Resident Of Village - Sonwal, P.S.- Pahadhpur,  
Dist.- East Champaran At Motihari

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Bela Singh, Advocate

For the Opposite Party/s : Mr.PK Pandey, Addl Public Prosecutor

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

2      09-09-2021

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 30a of the Bihar Prohibition and Excise Act.

As per the prosecution case, 2200 liters of spirit was recovered from a truck of which the petitioner was the driver.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery as he was merely the driver and was not aware of the nature of consignment loaded on it. Petitioner claims clean antecedent. Petitioner is in custody since



18.12.2020. Investigation is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties and materials available on the record, let the petitioner, above named, be released 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 Additional Sessions Judge II cum Special Judge, Excise Act, Aurangabad in Aurangabad Excise case no. 1292 of 2020 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

**(Prabhat Kumar Singh, J)**

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