

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37204 of 2020**

Arising Out of PS. Case No.-64 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

MD TANVEER, Son of Md. Jarif, R/o Village- Kutesra Muhalla Back of
Garawala, Govt. School, P.S.- Charthawal, Distt- Muzaffarnagar (U.P.).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 13-07-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Sumiran Rai, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Kuchaikote P.S. Case No. 64 of 2020 registered
for the offence punishable under Section 30(a)/41(1) of the
Bihar Prohibition and Excise Act, 2016. He is in custody since
27.02.2020.

As per the prosecution story, the informant along with
other police forces was on patrolling duty and when he reached
at Balthari Checkpost and started checking the vehicles, in the



mean time one truck came and on seeing the police one person got down from the truck and started fleeing away but on chase, he was caught. In presence of two independent witnesses, who disclosed his name as Md. Tanveer, driver of the seized truck and on search total 2740.680 litres of illicit liquor have been recovered.

Learned counsel for the petitioner submits that from the F.I.R. itself it is clear that the petitioner is not the driver of the vehicle, he was acting as daily wager and hired temporarily as Khalasi. The truck was loaded with the food grains and other materials of a branded company and, therefore, the petitioner has no reason to disbelieve the driver who had hired him.

Learned counsel further submits that the petitioner has spent one and half years in custody, investigation against him is complete but the trial is not likely to take place in near future.

Mr. Ram Sumiran Rai, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner but save and except the aforesaid information no further information by way of material has been brought to the notice of this Court.

Considering the facts and circumstances of this case wherein this petitioner is said to be the Khalasi and has spent one and half years in custody, investigation against him is



complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.II-cum-Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 64 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

