

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8167 of 2021**

Arising Out of PS. Case No.-621 Year-2020 Thana- KHAGARIA District- Khagaria

Akil @ Akil Sheikh Aged About 36 Years S/O- Rashid Sheikh R/O Sendhwa,
P.S.- Sendhwa, Distt- Barwani (M.P.)

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Md Fazle Karim, Advocate

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

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

2 24-05-2021 This matter is taken up for consideration through
Video Conferencing.

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, on secret information a
raid was conducted and total 5212 liters of illegal liquor was
recovered from the truck which was being driven by the
petitioner.



Learned counsel appearing for the petitioner submits that the petitioner was merely daily wage driver of the truck and had no knowledge of the nature of consignment loaded on the truck. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 28.8.2020.

Considering the facts and circumstances of the case and the fact that the petitioner bears clean antecedent and no incriminating material has been recovered from the conscious possession of the petitioner, 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 Special Judge, Excise Act Khagaria in Khagaria Mufassil Police Station Case No. 621 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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