

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9168 of 2022**

Arising Out of PS. Case No.-121 Year-2021 Thana- DANIYAWAN District- Patna

Md. Khalique Son of Md. Mumtaj @ Md. Mumtaj Ansari, R/O Village-Yogitand, P.S.- Muffasil, District- Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      05-07-2022                      Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mrs. Rina Sinha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Special Case No. 5653 of 2021, arising out of Daniyawar P.S. Case No. 121 of 2021, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police, on a secret information, apprehended two Pick-Up vans along with their drivers and from one Pick-Up van, bearing registration no. JH11Y 3821, total 628.56 litres of foreign liquor was recovered and from another Pick-Up van bearing



registration no. JH11ACE 4406 603 litres of illegal foreign liquor was also recovered. It is also alleged that the petitioner happens to be the driver of vehicle no. JH11AE 4406.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is neither the owner of the vehicle nor the consigner of the said articles and further he being driver of the said Pick-up van had no concern with the materials, which is said to be allegedly recovered from the vehicle, in question. It is also submitted that this petitioner has fair antecedent and is in custody since 10.09.2021, apart from the fact that the investigation of the crime has already been concluded and the charge-sheet has been submitted. It is next submitted that co-accused, namely, Mukesh Kumar, having similar allegation, has already been granted bail by this Court in Cr. Misc. No. 2039 of 2022 vide order dated 22.06.2022, a copy of which has been produced before this Court and the same is kept on the record.

On the other hand, learned APP for the State opposes the bail application and submits that a huge quantity of illicit foreign liquor has been recovered from the vehicle, which was being driven by the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the



petitioner is the driver of the said vehicle and he is in custody since 10.09.2021 having fair antecedent, apart from the fact that another co-accused person, having similar allegation, has been granted bail by this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Special Case No. 5653 of 2021, arising out of Daniyawan P.S. Case No. 121 of 2021, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

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