

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18089 of 2022

Arising Out of PS. Case No.-870 Year-2021 Thana- SHERGHATI District- Gaya

Md. Asgar, Son of Md. Khalik @ Shekh Khalik Faruki @ Shekh Khaliqeu Faurqi, Resident of Mohallah- Faruki Mohallah, P.S.- Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Choudhary, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sherghati P.S. Case No. 870 of 2021 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and 30(a), 32(2), 33, 36 and 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per, the prosecution case, police intercepted a Bolero vehicle on receiving information about it being used to carry illicit liquor and the petitioner was apprehended and two



other co-accused persons fled away from the vehicle. On search of the vehicle, 1680 litres of spirit was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has nothing to do with the alleged recovery. He has no knowledge about the contraband loaded on his van. So nothing incriminating has been recovered from his conscious possession. The charge-sheet has been submitted and the petitioner is in custody since 27.12.2021 and has got no criminal antecedent.

Learned APP opposes the prayer.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No.2, Gaya in connection with Sherghati P.S. Case No. 870 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) The petitioner will not indulge in similar type of cases in future.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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