

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17642 of 2022

Arising Out of PS. Case No.-323 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

MD SAKIB @ SAKIB @ MD SAKIB SHAH S/o Md. Khalil @ Md. Khalil
Shah Resident of Village- Sairniya Hasanpur, Ward No.12, P.S.- Araria (R.S.-
O.P), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Special
Case No. 571/2021 arising out of Kochadhaman P.S. Case No.
323/2021 registered for the offences punishable under Sections
272, 273 of the Indian Penal Code and Sections 30(a), 32, 41, 47
of the Bihar Prohibition and Excise Act, 2016 (18).

As per prosecution case, there is alleged recovery of
total 609.840 liters foreign liquor from the Pick-up vehicle in
question. The petitioner was apprehended on the spot and
confessed that he and co-accused, Md. Aslam had purchased



the liquor from Dalkola in West Bengal for selling the same in Bihar.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case on mere suspicion. The petitioner is the driver of the said vehicle and has no knowledge about the seized liquor. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 01.12.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Special Judge, Excise, Kishanganj in connection with Special Case No.



571/2021 arising out of Kochadhaman P.S. Case No. 323/2021,
subject to following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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