

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21907 of 2022**

Arising Out of PS. Case No.-114 Year-2022 Thana- BHAGALPUR KOTWALI District-  
Bhagalpur

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Md. Mubarik @ Mubarik S/o Magra Resident of Village - Udaka, P.O. -  
Udaka, P.S. - Kama, District - Bharatpur, Rajasthan, PIN- 321022.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashutosh Singh, Advocate.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP.

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

2      15-07-2022                      Learned counsel for the petitioner is permitted to  
  
remove defect(s), as pointed out by the office, if any, within a  
  
period of four weeks from today.

Heard Mr. Ashutosh Singh, learned counsel for the  
  
petitioner as well as learned Additional Public Prosecutor for the  
  
State.

The application for grant of bail to the petitioner,  
  
above named, who has been made accused and put behind the  
  
bar in connection with Kotwali (Barari) P. S. Case No. 114 of  
  
2022 giving rise to Special Excise Case No. 243 of 2022



registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act and Sections 272, 273 and 120(B) of the Indian Penal Code.

As per the prosecution case, it is alleged that the Police, on a secret information, intercepted a truck bearing registration no. UP-76K-3839 and on search being made total 4550.1 litres illicit wine in 16646 bottles kept in 517 Cartoons were recovered. It is also alleged that the truck was being driven by this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is said to be driver of the alleged truck and he being driver was not even aware as to what was loaded by the consigner in the cartoons kept in the truck. It is further submitted that he is neither owner of the said truck nor the consigner of the alleged cartoons wherein illicit wine has been found. It is next submitted that this petitioner is in custody since 09.02.2022, having fair antecedent.

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

Having considered the submissions made on behalf



of the parties and taking into account the fact that the petitioner being driver was not even aware as to what was kept in the cartoons loaded by the consigner and moreover, he is in custody since 09.02.2022, in as much as the investigation is already completed and charge-sheet has been submitted and moreover, there is no likelihood of commencement of the trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur or its successor court in connection with Kotwali (Barari) P. S. Case No. 114 of 2022 giving rise to Special Excise Case No. 243 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner 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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