

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26108 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- BAISI District- Purnia

Jakir Hussain S/o Late Mobin Alam R/o village- Sanjheli, P.S.- Raniganj,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 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. Rabindra Kumar Priyadarshi, 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 Baisi P. S. Case No. 34 of 2022 registered for the offences punishable under Sections 279, 337, 338, 353, 323, 427, 272, 273 read with 34 of the Indian Penal Code and Sections 30 (a), 41 and 47 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the



Police, in course of vehicle checking, intercepted a Sumo Grand vehicle and on search being made altogether 243 litres of Indian made foreign liquor was recovered. It is further submitted that the petitioner was apprehended at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner of the vehicle nor he has any concern with the alleged recovery, he being driver of the vehicle in question, was not even aware as to what was loaded by the consigner/owner of the vehicle as the vehicle runs on hire/rent. It is next submitted that this petitioner is a man of fair antecedent and he is in custody since 03.03.2022 and investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is driver of the vehicle in question and he is in custody since 03.03.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, 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 Exclusive Special Excise Judge Corut No. 1, Purnea in connection with Baisi P. S. Case No. 34 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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