

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.35435 of 2021

Arising Out of PS. Case No.-156 Year-2021 Thana- BANKA District- Banka

MD. IRFAN @ IRFAN Son of Kalua Khan Resident of Village and P.S.
Gabhana District Aligarh (U.P.).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr. Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 06-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Special Excise Case No. 166 of 2021, arising out of Banka
Police Station Case No. 156 of 2021, registered for the offences
punishable under Sections 30(a)/32(2) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the petitioner claims to be the cleaner of a truck,
which was intercepted by the police and a total quantity of
4526.64 litres of illicit liquor was recovered from the said truck.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he was not aware about the illicit liquor being kept inside the truck by the owner/driver of the truck in question. He further submits that the petitioner is in custody since 02.03.2021, having no criminal antecedent and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, charge sheet has already been submitted and the petitioner is in custody since 02.03.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Banka, in connection with Special Excise Case No. 166 of 12021, arising out of Banka Police Station Case No. 156 of 2019, subject to the condition that one of the bailors shall be of



Banka district.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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