

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27575 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- MAIRWAN District- Siwan

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Mohammad Ali @ Md. Ali, Son of Mohammad Munna @ Mona Resident of
Village - Nirana, Police Station - Sikera, District - Muzaffarpurnagar (uttar
Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Adv.

For the Opposite Party/s : Mr.Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Mairwa P.S. Case No.69 of 2022 instituted under Sections
30(a), 38(i), 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case in short is that there is recovery
of 1270.080 illicit liquor from a truck bearing registration
no.UP15CT-1807. Accordingly, seizure list was prepared and
FIR lodged.

Learned counsel for the petitioner submits that he was
the driver of the truck and was supposed to carry the vehicle



from one destination to another and had no role to play in the consignments that are being loaded on it. It was never made known to him that the foreign liquor has also been loaded in the truck as a result whereof, he despite being a poor person, is in custody since 18.02.2022 (as stated in para-12 of the bail application). It has further been submitted that he has no criminal antecedent.

Considering the aforesaid fact that the petitioner is the driver of the vehicle, he has no criminal antecedent and as charge-sheet has already been submitted, his continued incarceration will affect the livelihood of his family members, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mairwa P.S. Case No.69 of 2022 to the satisfaction of learned Exclusive Special Excise Court No.01, Siwan subject to following conditions:

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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