

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27886 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- LAUKAHI District- Madhubani

MD TAIYAB Son of Md. Anif Resident of Village - Bairiya, P.s.-
Andhramath, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Laukahi (Narahiya O.P) P.S.Case No 30 of
2022 for the offences punishable under Sections 272 and
273/34 of the Indian Penal Code and section 30(a) of the
Bihar Excise (Prohibition) Amendment Act, 2016.

As per the prosecution case, it is alleged that in
course of vehicle checking, the police intercepted Scorpio
vehicle which was driven by the petitioner and on search



total 498.600 liters country made liquor was recovered.

Learned counsel for the petitioner submits that petitioner happens to be driver of the Scorpio was not even aware as to what was being carried by the owner of the vehicle. It is next submitted that the petitioner has neither any concerned with the vehicle in question nor with the alleged recovery. It is further submitted that only because of the past criminal antecedent, the name of the petitioner has been implicated. However, he is on bail in previously instituted case. It is next submitted that petitioner is in custody since 10.02.2022 and though the investigation of the crime is concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner happens to be driver of the vehicle in question and is in custody since 10.02.2022 and investigation of the crime is concluded and the charge sheet has been submitted. There is no likelihood of commencement of trial in near future, let



the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge cum Special Judge, Excise Jhanjharpur, Madhubani in connection with Laukahi (Narahiya O.P.) P.S.Case No. 30 of 2022 subject to the condition that one of the bailors will be the close relatives 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.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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