

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42062 of 2021**

Arising Out of PS. Case No.-475 Year-2020 Thana- SITAMARHI District- Sitamarhi

MD TAMANNE (DRIVER) S/o Md. Latif Resident of Village - Husaina
Ward No. 13, P.S. - Sitamarhi, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Ramchandra Sahni

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 31-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sitamarhi Police Station Case No. 475 of 2020, registered for
the offences punishable under Sections 272/273 of the Indian
Penal Code and Sections 30 (a)/36 of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police intercepted one pick-up van and
arrested the driver and cleaner of the said pick-up van and a
total quantity of 337.50 litres of illicit liquor has allegedly been
recovered from the said vehicle.

Learned Counsel for the petitioner submits that the
petitioner has got no criminal antecedent and he has not



committed any offence in the manner alleged. He further submits that the vehicle, in question, is a commercial vehicle, being plied by the petitioner at the instance of the owner of the said vehicle and he was not aware about the illicit liquor being kept inside the pick-up van. He further submits that the petitioner is the driver of the vehicle, in question, and the cleaner of the vehicle, namely, Md. Ehsaan, has been granted bail by co-ordinate Bench of this Court, vide order, passed in Criminal Misc. No. 18555 of 2021. He further submits that the petitioner is in custody since 16.09.2020 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, he is in custody since 16.09.2020, co-accused has been granted bail by this Court, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, 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, Sitamarhi, in connection with Sitamarhi Police Station Case No. 475 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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