

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32328 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Kashif Ali, Son of Gulzar Ahmad @ Gulzar @ Md. Gulzar, Resident of
855/26 Amba Vihar Khalapar, P.S.- Muzaffarnagar, Distt.- Muzaffarnagar
(U.P.)- 251002.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Durgawati P.S. Case No. 273 of 2021 registered for the alleged offences under Sections 30 (a)/ 41 (1) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that 2484 litres of Indian made foreign liquor was seized from a truck. The co-accused driver was apprehended from the spot and the petitioner is stated to be the owner of the truck.



The learned counsel for the petitioner submits that the petitioner has got no concern either with the truck or the co-accused apprehended from the spot. The petitioner sold this truck on 06.11.2021 to one Rohtas, but as the installments have been running, change of the name of the owner could not take place and the truck is still being shown in the name of this petitioner, though he handed it over to the new owner. In this regard, mother of the petitioner has informed the Superintendent of Police, Kaimur. Hence, this petitioner has nothing to do with the seized liquor and he is having no criminal antecedent. The petitioner is in custody since 14.03.2022 and the charge sheet has been submitted.

Learned APP opposes the prayer for bail made on behalf of the petitioner submitting that a huge quantity of liquor has been seized and the petitioner is the owner of the truck from where seizure has been made.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has sold his truck prior to incident and further considering the fact that charge sheet has been submitted and the petitioner is in custody since 13.03.2022, the petitioner above named is directed to 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 Special Judge, Excise-cum-A.D.J.-II, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 273 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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