

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32765 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- AMAS District- Gaya

Sajid Ansari Son Of Late Jamil Akhtar @ Md. Akhtar Jamil Resident of
Village- Chhaura Bandh, Police Station- Barachatti And District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-08-2022 The present matter has been listed under the heading :

“To Be Mentioned” on the basis of mentioning slip filed on

behalf of the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with G.R.
No.1469/2021 arising out of Amas P.S. Case No. 210/2021
registered for the offences punishable under Sections 384, 386,
365 and 34 of the Indian Penal Code and Section 50 of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
total 4000 liters illegal spirit from the truck in question. The



informant reached at GT road, a Scorpio car in which five persons sitting on overtook the informant's truck and forcibly took it at Manokamana Hotel. Then those five accused persons by posing themselves as police asked informant, Shatrughan Ray to call his owner. Accused Guddu Khan spoke with owner of the informant and by threatening his owner had directed his owner to transfer an amount of Rs.1.25 lacs so as to release his truck transporting illicit alcohol. That is how, the amount was transferred. In the FIR, Shatrughan Ray had named four accused persons and described the 5th accused person as unknown slim person with dark complexion. Then he proceeded to implicate owner of the hotel as the sixth person involved in the subject crime.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and no incriminating articles has been recovered from the possession of the petitioner. During course of investigation, name of present petitioner sprang up in this case on the basis of confessional statement of co-accused, Dhiraj Kumar Singh @ Karu Singh who was one of the associates. The petitioner is languishing in custody since 02.02.2022 and bears criminal antecedent of one



case. He further submits that the owner of the truck is very renowned smuggler and as well as on defaulter of bank and the said transaction might really be done by the bank's recovery agent but the petitioner did not involve in the occurrence. No share was allotted to the petitioner as per case record and the said money was paid to a H.D.F.C. account and this petitioner has no concern of any kind either with the bank and transaction. He further submits that the petitioner was not apprehended on the spot and the informant of a person who was himself carrying out a business of illegal spirit admitted in the FIR. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Dhiraj Kumar Singh and Rinku Singh @ Shashi Kant Singh have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.60592/2021 and Cr. Misc. No.61691/2021 respectively. The case of the present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, charge sheet has already been submitted in this case and there is no



likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, Gaya in connection with G.R. No.1469/2021 arising out of Amas P.S. Case No. 210/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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