

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42590 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- GURUA District- Gaya

MD. MAQBOOL KHAN, Son of Late Masuque Khan Resident of Village -
Hemzapur, Warisnagar, P.S. - Amas, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 18.04.2021,
seeks regular bail in connection with Gurua P.S. Case No. 92 of
2021, for the offence punishable under Sections 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether 100
litres of country made liquor as well as 1800 Kg Mahua flower,
kept in bags, were recovered by the raiding team.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner has no concern with the seized
prohibited items. He further submits that petitioner is the driver



of the pick up van and was required to deliver the goods at the requisite place as directed by the owner of the vehicle. He further submits that petitioner has clean antecedent.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the aforementioned facts and circumstances of the case and the fact that petitioner has no criminal antecedent and there is no allegation of tampering of evidence or influencing the witnesses, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. One Lakh with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gaya in connection with Gurua P.S. Case No. 92 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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