

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46377 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- MANIGACHI District- Darbhanga

MD. TAUFIQUE @ TAUFIQUE S/o Md. Azam Resident of Village-
Pokhriya, P.S.- Baysi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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 APP appearing on behalf of the State.

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

Petitioner who is in custody since 07.02.2021 seeks
regular bail in connection Manigachi (Nehra O.P.) P.S. Case No.
30 of 2021 registered for offence punishable under Section 30(a)
of the Bihar Prohibition and Excise Act.

Prosecution case in brief is that while the police was
patrolling a search was made of the truck bearing Registration
No. WB41C-5510 from which 1350 litres of foreign liquor was
recovered. In presence of the driver of the truck (petitioner) the
truck was seized and the petitioner was arrested on the spot and



seizure list was prepared.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner was engaged as a driver on daily wages by the owner of the truck from which huge quantity of liquor was recovered concealed by the bundles of cotton. He further submits that petitioner had no knowledge about the illicit liquor loaded on the said truck nor the owner of the said truck gave him the details about the consignment.

Learned A.P.P. however, opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case, the in-charge, Commercial Taxes, Darbhanga, is directed to furnish details about the transit permit issued with respect to the goods being loaded on the truck bearing Registration No. WB41C-5310 along with the transmission report giving the time and details of the check post from where the said truck entered into the State of Bihar, as well as, the details of the driver whose name has been entered into the consignment note before the Court of learned 2nd Additional Session Judge cum Special Judge, Excise Act, Darbhanga within a period of one week not later than 21.01.2022 to enable the



Court below to see the details as to whether the said truck has actually moved from the State of West Bengal and the name of the driver who was required to deliver the consignment loaded on the said truck. After considering the aforesaid report and confirming the fact that the petitioner is prima facie not responsible for the said consignment, the petitioner above named is directed to be enlarged on bail upon furnishing bail bond of Rs. 2,00,000/- (Rupees Two Lacs) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Session Judge cum Special Judge Excise Act, Darbhanga in connection with Manigachi (Nehra O.P.) P.S. Case No. 30 of 2021 subject to the following conditions:

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

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

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall



take steps to cancel their bail bond.

Learned A.P.P. Submits that he will communicate this order to the concerned in-charge of Commercial Tax Officer, Darbhanga.

(Purnendu Singh, J)

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