

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37848 of 2022

Arising Out of PS. Case No.-503 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

MD. ISTEKHAR @ ISTEKHAR S/o Irshad R/o village- Gali No. 2, Rashid
Udyan, P.S.- Kutubsher, District- Saharanpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Raju Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Mohania P. S. Case No. 503 of 2021 registered for the offences punishable under Sections 420, 467, 468, 471 read with 34 of the Indian Penal Code and Sections 30 (a), 36, 41(i) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that in course of patrolling duty, the police intercepted a ten wheeler



truck and apprehended one person, who was said to be driver of the truck. On search 4185.36 litres country-made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner being driver of the truck was not even aware as to what was being loaded by the owner/consigner of the goods as the truck runs for the purposes of transportation of goods on the dictate of the owner/transporter. It is next submitted that the petitioner being driver, is in custody since 29.10.2021, having fair antecedent and moreover, the investigation of the crime is already completed and the charge sheet has been submitted in as much as he is ready to give undertaking that he will fully cooperate in the trial till its conclusion.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended at the spot.

Regard being had to the materials available on record and taking into consideration that the petitioner being driver having no concern with the truck, in question, or with the alleged recovered illicit wine and he is in custody since 29.10.2021, having fair antecedent and moreover, after



completion of the investigation, charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Kaimur at Bhabhua in connection with Mohania P. S. Case No. 503 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

