

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49450 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- KASBA District- Purnia

MD. ISTIYAQUE @ ISTIYAK S/o- Md. Mainuddin Res of Village - Ramai,
P.S. - Farbeshganj, Distt. - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-02-2022 Heard the parties through virtual court proceeding.

Petitioner seeks regular bail in connection with Kasba
P.S. Case No. 79 of 2021 registered for the offence punishable
under Sections 272 / 273 / 34 of the I.P.C. and Section 30(a) of
Bihar Prohibition & Excise Act 2016.

The Police intercepted a Scorpio vehicle being driven
by Md. Istiyaque (i.e. the petitioner) and recovered altogether 81
litres of foreign liquor from the said vehicle.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case mainly
because he is the driver of the Scorpio vehicle. He further
submits that petitioner plies the vehicle on the instruction of its
owner and he was not aware about the illicit liquor being kept
therein by the owner of the vehicle. He further submits that



petitioner has got no criminal antecedent, he is in custody since 29-04-2021, charge-sheet has already been submitted and similarly situated co-accused / Mithilesh Kumar Mandal @ Mithilesh Kr. Mandal has been granted by this court in Cr. Misc. No. 39402 of 2021.

Regards being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioner is in custody since 29 / 04 / 2021 having no criminal antecedent, charge-sheet has been submitted in the matter, similarly situated co-accused has been granted bail by this court and trial is not likely to be concluded in near future due to Covid 19 pandemic, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Purnea in connection with Kasba P.S. Case No. 79 of 2021.

(Anil Kumar Sinha, J)

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