

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42178 of 2022

Arising Out of PS. Case No.-244 Year-2020 Thana- RAJAPAKAR District- Vaishali

MD. SHAHNAWAJ HAIDAR @ SONU S/O MD. SHAKIL AHMAD
Resident of village- Adampur, Piplaw, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 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. Birendra Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Rajapakar (Baranti O.P.) P. S. Case No. 244 of 2020 registered for the offences punishable under Sections 30 (a) and 41 (i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the police, in course of patrolling duty, intercepted a pick-up van,



however, on noticing the police party, the driver of the said pick-up van succeeded in fleeing away. On search, altogether 1187.640 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his conscious of constructive possession, however, only he being owner of the said vehicle, his name has been implicated in this case, though, the said pick-up van runs for transportation of goods by the driver of the same and the petitioner was not even aware as to what was being carried by the driver without giving any information. It is further submitted that the petitioner having fair antecedent, is in custody since 22.05.2022 and now investigation of the crime is complete and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner having fair antecedent, is in custody since 22.05.2022 and the pick-up van in question, which was seized by the police, runs by the driver for the purposes of transportation of goods,



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 Special Excise Judge-cum- Additional District and Sessions Judge- II, Hajipur, Vaishali in connection with Rajapakar (Baranti O.P.) P. S. Case No. 244 of 2020, 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)

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