

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44718 of 2022

Arising Out of PS. Case No.-182 Year-2022 Thana- BIKRAM District- Patna

Mahboob Hasan, Son of Late Sabir Ahmed @ Sabir Hasan @ Sabbir R/O
Village- Khudda, P.S.- Chapak, District- Muzaffarnagar (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Shankar Kumar, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Special Excise Case No. 642 of 2022 arising out of Bikram P.S. Case No. 182 of 2022 registered for the offences punishable under Sections 30(a), 32(ii)(iii), 36, 41(i)(ii) of the Bihar Prohibition and Excise Act, 2018.

The police in course of patrolling on a secret information, intercepted a truck bearing registration no. HP-38G-3624 and on search, total 4491 liters of Indian made foreign liquor was recovered. It is further alleged that the



petitioner, who is said to be driver of the truck was apprehended at spot.

Learned counsel appearing on behalf of the petitioner submits that the petitioner being driver of the truck, which runs for transportation of goods on the dictate of transporter/owner of the truck, was not even aware, as to what was being carried by the owner/transporter. He further submits that the petitioner has neither any concern with the truck nor with the illicit wine, however, he being driver of the truck, was only obliged to run the truck safely. He next submits that there is non compliance of Section 100 of the Cr.P.C., apart from defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act. He lastly submits that the petitioner, having fair antecedent, is in custody since 22.04.2022 though the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner was apprehended along with a huge consignment.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner, being driver of the truck, which runs for transportation of goods on the dictate of the transporter/owner, apart from the fact that



the petitioner, having fair antecedent, is in custody since 22.04.2022 and the investigation of the crime is already complete and charge-sheet has been submitted, let the petitioner, named above, 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 Special Excise Judge -V, Danapur (Patna) in connection with Special Excise Case No. 642 of 2022 arising out of Bikram P.S. Case No. 182 of 2022 , subject to the condition that one of the bailors will be the local residents 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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