

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58373 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- DHANARUA District- Patna

Ayub Ansari S/O- Balak Ansari R/v - Kake Road, Bhitha, P.S. - Gonda, Distt.
- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bar in connection with Special Case No. 3237 of 2021, arising out of Dhanarua P. S. Case No. 133 of 2021 registered for the offences punishable under Sections 30(a), 36, 41(i)(ii) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that on a secret information, two trucks were intercepted and on search altogether 1268.475 litres and 1549.8 litres foreign liquor were recovered from both the vehicles.

It has been submitted by the learned counsel for the



petitioner that the petitioner was a driver of one of the trucks, as being a driver of the truck, he was not even aware as to what was loaded by the consigner and he had no concern with the alleged recovery. It is next submitted that the petitioner has no criminal antecedent and is in custody since 23.05.2021. It is also submitted that two of the accused persons who were also apprehended with the trucks have already been granted bail by co-ordinate bench of this Hon'ble Court in Cr. Misc. No. 52909 of 2021 vide order dated 11.03.2022. The copy of which has been produced before this Court and the same is kept on record.

On the other hand, learned APP for the State opposes the bail application of this petitioner and submits that the huge quantity of contraband liquor has been recovered from both the trucks and this petitioner was a driver of one of the trucks.

Having considered the submissions made on behalf of the parties and taking into account the materials available on record, especially in view of the fact that the petitioner was a driver and during the course of investigation nothing has come which suggest the complicity of the petitioner with the alleged recovery. Apart from the fact that the petitioner having no criminal antecedent and is in custody since 23.05.2021, let this



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 Special Judge, Excise, Patna in connection with Special Case No. 3237 of 2021, arising out of Dhanarua P. S. Case No. 133 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)

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