

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59319 of 2021

Arising Out of PS. Case No.-540 Year-2021 Thana- ARARIA District- Araria

Nur Islam Akand @ Nurislam S/O Jalaluddin R/O Bhumrabi No.1, P.S-
Gosaigaon, District-Kokrajhar (ASSAM).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Araria (R.S.) P.S.Case No. 540 of 2021 for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act 2016.

As per the prosecution case, It is alleged that on secret
information truck bearing registration no. JH02U 6774 was
intercepted and on search altogether 4356 liters illicit liquor was
recovered which was hidden in the husk loaded on a truck.

Learned counsel for the petitioner submits that
petitioner is driver of the said truck and he has no knowledge



about the said liquor loaded on the truck by the consignor. It is further submitted that this petitioner has got clean antecedent and he is in custody since 01.07.2021. It is next submitted that petitioner being driver has also disclosed the name of the owner of the truck on whose instruction the material were loaded on the truck and he has no concerned with the alleged recovered illicit liquor.

The learned A.P.P opposed the prayer for bail of the petitioner and submits

Having heard the rival contentions of the parties and taking into consideration the fact that, huge quantity of illicit liquor has been recovered from the truck, which was being driven by the petitioner only and he is not the owner and is in custody since 01.07.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge (Excise) Araria in connection with Aararia (R.S) P.S.Case No. 540 of 2021, subject to the condition that one of the bailors will be the close relatives 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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