

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60747 of 2021

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

Mofizul Islam Mandal S/O Koser Mandal @ Kasar Mandal R/O Village-
Hasrabari No. 1 (Sapkata-1), P.S.- Gosaigaon, District- Kokrajhar (Assam)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha

For the Opposite Party/s : Mr. Pushpa Sinha.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-04-2022 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 Bihar Prohibition & Excise
Act 2016.

As per the prosecution case, it is alleged that on
secret information, police intercepted 12 wheeler truck on the
check post. On search of truck, under the sack of husk total 492
cartons, containing 4356 liters of illicit foreign liquor were
recovered.

It is submitted on behalf of the learned counsel for the



petitioner that though the petitioner is said to be Khalasi of the said truck but he has no concern with the said truck and the seized liquor. It is also submitted that as per allegation, petitioner being Khalasi of the said truck was not aware of the materials which were loaded by the consignor. It is also submitted that one of the co-accused namely Noor Islam Ankar, who is said to be driver of the truck has already been granted bail by this Court in Cr. Misc. No. 59319 of 2022 vide order dated 11.04.2022. Petitioner is in custody since 02.07.2021. Apart from the fact that the investigation has already concluded and charge sheet has been submitted.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that huge quantity of liquor has been recovered from truck of which the petitioner was Khalasi. It is also submitted that petitioner is a resident of Kokrajhar (Assam), if bail is granted to the petitioner, it is difficult to secure his attendance in the trial.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is said to be Khalasi of the truck in question and he was not even aware what was loaded by the consignor. Apart from that another co-accused , who is said to be driver of the said truck has already



been granted bail and, this petitioner has no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty five 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 Araria (R.S) P.S.Case No. 540 of 2020, 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.

(v) The other bailor of the petitioner shall be resident of a place within the jurisdiction of the learned trial court.

(Harish Kumar, J)

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