

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67777 of 2021

Arising Out of PS. Case No.-479 Year-2021 Thana- NAUBATPUR District- Patna

Atik Ahmad, Son of Saddik Ahmad, Resident of 895/8 E, Aouliya/ Hauliya Maszid, Maiji Near Jharna Roji, Mehrauli, P.S.- Mehrauli, District- Mehrauli, South, New Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 24-06-2022 Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Special Case No. 5876 of 2021 arising out of Naubatpur P.S. Case No. 479 of 2021 registered for the alleged offences under Sections 30(a), 38, 41 of the Bihar Prohibition and Excise Act, 2018.

As per allegation, 4392 liters of foreign liquor was recovered from a Truck, which was being driven by the petitioner, however, learned counsel for the petitioner has



submitted that nothing has been recovered from the conscious possession of the petitioner. The petitioner is neither the owner of the truck nor the liquor. He is said to be Driver of the Truck. The co-accused, namely, Vishambhar @ Bishambhar, who is said to be cleaner of the said Truck, has already been granted bail by a coordinate Bench of this Court vide order dated 11.01.2022 passed in Cr. Misc. No.68089 of 2021 and the petitioner is in custody since 19.09.2021 and is having clean antecedent.

Learned APP has opposed the prayer for bail, submitting that a huge quantity of liquor has been recovered from a Truck, which was being driven by the petitioner.

Having regard to the submissions made hereinabove and considering the fact that cleaner of the Truck has already been granted bail and further considering the period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Naubatpur P.S. Case No.479 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted



only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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