

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69229 of 2021

Arising Out of PS. Case No.-418 Year-2021 Thana- BIDUPUR District- Vaishali

IMRAN KHAN Son of Khair Mohammad R/o vill.- Pitampur Majra, Kasba
Thaddu, P.S.- Chatri Duradh, Distt.- Bulandsahar, (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Ms.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Bidupur Police Station Case No. 418 of 2021, registered for the
offences punishable under Sections 30 (a)/32 (ii)/41 (i) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of the secret information
that one DCM truck, having illicit liquor, was standing by the
side of the road, raided the said truck and recovered a total
quantity of 2551.6 litres of illicit liquor from the same and the
petitioner was found sitting in the cabin of the said truck.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and he has not



committed any offence in the manner alleged. He further submits that from perusal of the First Information Report, it would be evident that the petitioner failed to disclose the name of the driver and owner of the truck in question and the fact of the matter is that the petitioner is the staff of another vehicle and while the truck was parked by the side of the road, the petitioner sat in the cabin of the truck in question for having some snacks. He further submits that the petitioner is neither the owner nor the driver of the truck and no illicit liquor has been recovered from the conscious possession of the petitioner. He further submits that the petitioner is in custody since 30.08.2021, having no criminal antecedent and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is neither the driver nor the owner of the truck, charge sheet has already been submitted and the petitioner is in custody since 30.08.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bond 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, Vaishali, at Hajipur, in connection with Bidupur Police Station Case No. 418 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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