

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70078 of 2021

Arising Out of PS. Case No.-172 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

MD. TAIYAK S/O MD. AJIT R/o village- Lelan Colony Matigara, P.S.-
Matigara, District- Darjeelingh (W.B.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-05-2022 Heard the parties.

Petitioner seeks regular bail in connection with C-1
Case No. 172 of 2021 registered for the offence under Section
30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, Excise Officials on secret
information intercepted one Maruti Car bearing Registration No.
WB26C8872 coming from West Bengal and recovered 93 liters
of illicit foreign liquor. On the alleged date and time of
occurrence the vehicle was being driven by the petitioner.

Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated by the police with oblique



motive. Learned counsel also submits that no illicit liquor has been recovered from the conscious possession of the petitioner. Learned counsel next submits that petitioner is the driver of the Maruti Car and he was driving the same at the instance and instruction of its owner who was also sitting in the vehicle at the relevant time and petitioner was not aware about illicit foreign liquor kept in the dickey of the Maruti Car. Learned counsel further submits that during search and seizure procedures prescribed under Section 100 of the Cr.P.C. and the Excise Act have not been followed. The petitioner has got clean antecedent, he is in custody since 24-09-2021 and charge sheet has already been submitted.

Regard being had to the submissions made by the parties, taking into consideration material on record, the fact the petitioner has got clean antecedent, he is in custody since 24/09/2021, charge sheet has already been submitted and there is no likelihood that petitioner will abscond or tamper with the evidence, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge (Excise) Purnea in
connection with C-1 Case No. 172 of 2021.

(Anil Kumar Sinha, J)

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