

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13945 of 2023

Arising Out of PS. Case No.-172 Year-2019 Thana- SAKRI District- Madhubani

ALTAFUDDIN SHEIKH @ ALTAF UDDIN SHEKH, Male, aged about 30 years, S/O MD. ALLAUDDIN SHEKH @ ALLAUDDIN, Resident of Village- Chani Tol, (Bathne), P.S.- Sakari, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Sakari P.S. Case No. 172 of 2019 dated 02.11.2019 registered for the offence(s) punishable under Section(s) 272 and 273 of the Indian Penal Code and Sections 30(a), 38(i) and 41(1) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner earlier preferred Cr. Misc. No.60982 of 2022 for the relief of anticipatory bail in the present matter and his prayer was allowed by a co-ordinate Bench of this Court with a condition to deposit Rupees Two Lacs in the account of Patna High Court



Legal Services Committee, Patna and since the petitioner was not having sufficient means of income to deposit the said amount, as he is a mason by profession, so he could not avail the relief of anticipatory bail and accordingly he himself surrendered before the trial court and in the present matter, he has been languishing in jail since 03.02.2023. Further submissions are that the instant matter relates to the recovery of 2612.52 litres of foreign liquor which is stated to have been recovered from two pickup vehicles and petitioner is admittedly owner of one of the said vehicles but he was not arrested at the spot at the time of recovery from his vehicle, in fact he had given his vehicle to one namely Md. Ehtesham Rezaon on the monthly rent basis and his vehicle was completely under control of the said person and he had no knowledge about the purpose for which his vehicle was being used and accordingly he has been made accused mainly on account of being owner of the said vehicle. Further submissions are that the seizure list of alleged wine was not prepared in accordance with the procedure of law and against the petitioner the investigation has been completed and in the FIR, there is no specific detail of the wine which can be deemed to have been recovered from the petitioner's vehicle and in this regard, prosecution's allegations



are completely vague.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly petitioner's fair and clean antecedent, his custody period and completion of investigation against him and also the facts that petitioner was not arrested at the spot and as per his defence, his vehicle was being used by some other person whom he had given his vehicle on monthly rent basis, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Sakari P.S. Case No. 172 of 2019 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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