

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21388 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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Md. Hasnat @ Md. Hasmat, Son of Md. Hussain, R/V- Chocha, P.S.- Bayasi,
Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate
For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 11-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Bhairabasthan P.S. Case No. 183 of 2022 dated 01.10.2022
registered for the offences punishable under Sections 420, 467,
468, 471 and 34 of the Indian Penal Code and Sections 30 (a),
32, 36 and 41 of Bihar Prohibition and Excise Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to the
recovery of 1548 litres of Indian made foreign wine and the
same is stated to have been recovered from a truck and as per
allegation three accused persons including this petitioner were
found sitting in the said truck at the time of recovery but in



fact the petitioner was performing his duty as a co-driver in the said vehicle at the time of recovery and three co-accused persons, who were apprehended with this petitioner at the time of recovery, have been granted bail by this Bench and co-ordinate Bench of this court vide orders passed in Cr. Misc. No. 1986 of 2023 and Cr. Misc. No. 73179 of 2022 respectively and petitioner's case is completely identical to co-accused Md. Akbar who was also found as a co-driver in the said truck. Further submissions are that in the present matter altogether 18 persons have been named and the name of the co-accused persons other than those who were arrested at the spot surfaced in the statement of co-accused Shivam Thakur and against the petitioner there is criminal antecedent of one case in which he is on bail and the said case was lodged under the offence of the Indian Penal Code and he has been languishing in jail since 03.10.2022 and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's young age, and also his custody period and completion of investigation against him and privilege of bail



having been granted to co-accused persons as mentioned above, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Bhairabasthan P.S. Case No. 183 of 2022 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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