

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41267 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- RANIYATALAB District- Patna

MD ASHFAQ @ ASHFAQ MOHAMMAD @ TONI Son of Idrish @ Idrish
Mohamad @ Mohamad Idrish Resident of Shivhisar, Shiv Colony, Hisar,
Hisar, P.s. - Surya Nagar, Distt. - Hisar, State - Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard the parties.

The petitioner is in custody in connection with Special
Excise Case No. 182 of 2023 arising out of Rani Talab P.S. Case
No. 23 of 2023 for the offence under Sections 419, 420, 467,
468, 471 and 120(B) of the Indian Penal Code and Sections
30(a), 32(ii), (iii), 36, 41(i)(ii) of Bihar Prohibition and Excise
Act, 2018 lodged on 23.01.2023 by the informant, Vimlesh
Kumar Paswan.

As per the prosecution story, the Police intercepted a
mini Truck and recovered/seized 625.425 liters of foreign made
liquor and arrested the driver, Yashwant Kumar. It is the further
case of prosecution that even the engine number and chassis
number of the truck was tampered. Accordingly, the F.I.R.



Learned counsel for the petitioner submits that his name has come in the confessional statement of the driver. He neither owns the truck nor is the driver, one of the accused Yashwant Kumar has since been granted bail vide Cr. Misc. No. 33578 of 2023 by a co-ordinate Bench of this Court and further he do not have any criminal antecedent.

Learned APP opposes the prayer stating that the recovery is of 625.425 liters of foreign liquor.

Considering the fact that the alleged recovery is from Yashwant Kumar, the petitioner name has come in the confessional statement, he do not have any criminal antecedent, is in custody since 01.04.2023 and further Yashwant Kumar has since been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Excise Judge, Danapur, in connection with Special Excise Case No. 182 of 2023 arising out of Rani Talab P.S. Case No. 23 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

kiran/-

U		T	
---	--	---	--

