

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64695 of 2023

Arising Out of PS. Case No.-712 Year-2023 Thana- Excise P.S. District- East Champaran

Taiyab Ali, Son of Rohsan Ali, Resident of Village- 117 A, Super Palace Colony, Khajranaa Kanadia, P.S. -Khajranaa, District- Indore, Madhya Pradesh

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Devashish Giri, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Motihari Excise P.S. Case No. 712 of 2023 registered for the offences punishable under Sections 30(a), 32, 38, 41(i) and 47 of Bihar Prohibition and Excise Act, 2016. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that as per the prosecution story, one container and Mahindra Bolero Pickup van was parked in Krishak warehouse of one Krishna Kumar Singh loaded with consignment of illegal liquor. Police recovered total 2475 liters of spirit from the Mahindra pickup van and 1525 liters of spirit from the container. It is alleged that the petitioner is the owner of the said container.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no concern with the alleged recovery of spirit from the container.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the petitioner is the owner of the container which he had provided to M/s Prakash Transport Service, Indore and it was the said transport service who had deputed the container in question for carrying a consignment from M/s Pashupati Road Carrier Private Limited, the petitioner is a resident of the State of Madhya Pradesh and he was not present on the container when it was intercepted, about 1525 liters of spirit was found in the said container in the boxes which were meant for recycled hydraulic oil, the petitioner has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Motihari Excise P.S. Case No. 712 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special

Excise Court No.-2, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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