

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64886 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Furkan S/O Noushe @ Naushe Ali @ Nose Village- Jummabali Milakh
Bherkhara Chak, Ps- Bhagatpur, Dist- Muradabad (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Mr. Hemant Kumar, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Musarigharari P.S. Case No. 25 of 2023, registered for the
offences punishable under Sections 30(a), 32, 36, 41 of the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police, in course of patrolling, on suspicion,
intercepted a truck bearing Registration No. UP21CN 5876. On
search, total 5706 litres Indian made foreign liquor was
recovered. The apprehended driver Sahdev has disclosed the
name of the petitioner as the owner of the Truck.

4. It is submitted on behalf of the petitioner that the
name of the petitioner has been implicated in this case in the



capacity of he being the owner of the truck in question. However, the fact is that though the petitioner is the owner of the truck but a month ago from the occurrence, the petitioner entered into an agreement with co-accused Sahdev, who intended to run the truck on lease for which he was agreed to pay a sum of Rs. 90,000/- per month. A copy of the said lease agreement has been brought on record by way of annexure-2. He further submits that the petitioner was not knowing the fact that co-accused Sahdev was indulged in such kind of activity. He next submits that the petitioner had no concern with the consignment which was being taken away by co-accused Sahdev. Moreover, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated in this case in the capacity of the owner of the truck, apart from the lease agreement which has been brought on record and the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in



the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise -I, Samastipur in connection with Musarigharari P.S. Case No. 25 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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