

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69090 of 2023

Arising Out of PS. Case No.-430 Year-2023 Thana- SABAUR District- Bhagalpur

Hayat Sheikh @ Haiyat Sheikh Son Of Late Md. Ajimuddin Resident Of
Village- Fashiya Dangal, P.S.- Godda, Dist.- Godda (STATE Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-10-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Sabaur P.S. Case No. 430 of 2023 bearing Special Excise Case No. 3877 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 5.8.2023 by the informant, Dharmendra Kumar.

3. As per the prosecution story, the allegation is that a Maruti Swift car was raided and on search, 79.875 liters of foreign liquor recovered/seized. The person who was driving the car was the petitioner who was taken into custody and FIR lodged.

4. It is the case of the petitioner that the car does not belong to him. Further, the car belongs to one Vandana Kumari and one Santosh Kumar had handed over the car to him. In



between he was taken into custody, had no knowledge about the presence of the liquor, is a poor man, do not have criminal antecedent and is in custody since 6.8.2023 (para-13 of the petition).

5. Learned APP opposes the prayer stating that he was driving the car from which the recovery has been made.

6. Considering the aforesaid submission put forward by the parties as also the fact that the car does not belong to him, he do not have criminal antecedent, has remained in custody since 6.8.2023, FIR lodged and ultimately will face the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Judge Excise-2, Bhagalpur, in connection with Sabaur P.S. Case No. 430 of 2023 bearing Special Excise Case No. 3877 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 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 next 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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