

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69161 of 2023

Arising Out of PS. Case No.-241 Year-2023 Thana- CHAKAI District- Jamui

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SHAMSHAD RAIN @ SHAMSAD RAIN SON OF SAMSUDDIN RAIN @
MD. SAMSUDDIN VILLAGE PESRAGADHA, PS PACHAMBA,
DISTRICT GIRIDIH, JHARKHAND

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 05-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Chakai P.S. Case No. 241 of 2023 registered for the offences
punishable under Sections 272, 273 of the I.P.C. and Sections
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 672.840 litre foreign
liquor was recovered from the pick-up van in question.
Apprehended petitioner alleged to be co-driver of the said
vehicle in question and he disclosed the name of driver of the
said vehicle, Guddu Ansari (co-accused) who fled away from
the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is not the owner of the said vehicle in question. He is merely a co-driver of the said vehicle and petitioner has to follow the instruction of his owner to earn the livelihood. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and falsely been implicated in the present case. He has nothing to do with the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner. Petitioner is in custody since 21.07.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise – Ist, Jamui in connection with Chakai P.S. Case 241 of 2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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