

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80885 of 2023

Arising Out of PS. Case No.-477 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

Salim @ Salim Kumar S/O Wakil Village- Allabakspur, Ps. Gadh mukteshwar,
Dist. Hapur, Uttar Pradesh.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bochaha P.S. Case No. 477/2023 registered for the offences
punishable under Sections 30(a), 32(ii) (iii), 36, 41(i) (ii) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, 6687.72 litre English
Liquor was recovered from truck in question. Petitioner(driver)
and co-accused, Jishan Ali(co-driver) apprehended on spot. It is
further alleged that apprehended petitioner disclosed that the
said truck carrying illicit liquor was being brought at the behest
of Pradeep Bhai(co-accused) and Saurabh Taneja(co-accused)
and the same was being transported to Muzaffarpur, Bihar.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that the truck in question does not belong to the petitioner and he has no knowledge about the illicit liquor recovered from the said vehicle. Petitioner being the driver of the said truck, has to follow the instructions of owner to earn his livelihood. Petitioner is not in any way connected with the alleged occurrence. It is further submitted that co-accused Jishan Ali has already been granted bail by a co-ordinate bench of this Court vide Cr. Misc. No. 80852/2023 and the case of present petitioner is identically same and on the principle of parity petitioner deserves bail. Petitioner bears no criminal antecedent.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, co-accused on similar and identical allegation has already been granted bail by co-ordinate bench of this Court, 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, Court No. 3, Muzaffarpur in connection with Bochaha P.S. Case No. 477/2023, subject to the 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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