

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23108 of 2024

Arising Out of PS. Case No.-759 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Shaukat Ali @ Shokat Ali Son of Md. Nazir Resident of Village- Dusanu,
Police Station- Dusanu, District- Riyasi and State- Jammu and Kashmir
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Kinjalk, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 17-05-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Muzaffarpur Sadar P.S Case no. 759 of 2023 registered under sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, on the tanker in question being stopped for search, the petitioner got down from the same and started to flee away but was apprehended.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 17.10.2023 passed in Cr. Misc. no.66673 of 2023. In spite of the petitioner being in custody since 6.8.2023, not having any criminal antecedent and having cooperated in the trial, the trial has still not concluded nor there any chance of the same concluding in the near future.



5. The prayer for bail is opposed by learned A.P.P for the State who submits that the petitioner who was the driver of the tanker was caught at the place of occurrence and on search of his vehicle 581 cartons containing a total of 5159.88 litres of IMFL was recovered.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 2.5.2024 of the Exclusive Special Judge Excise-01, Muzaffarpur, six witnesses have been examined on behalf of the prosecution and the case is likely to be disposed of on the coming dates.

7. Having heard learned counsel for the parties and taking into consideration the allegation of recovery of 5159.88 litres of IMFL together with the petitioner having been arrested at the spot and the trial nearing its conclusion, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Learned trial Court is directed to conclude the trial within a period of four months from the date of communication of this order.

(Partha Sarthy, J)

Shiv/-

U		T	
---	--	---	--

