

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76318 of 2024

Arising Out of PS. Case No.-238 Year-2019 Thana- BAISI District- Purnia

Rahmat Ali Son of Aakhir Ali@Akher Ali Mistri Resident of Village-
Algariya, P.S.- Dattapurkar, District- 24 North Pargana, West Bengal.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with in connection with Special Excise Case No. 854 of 2019 arising out of Baisi P.S. Case No. 238 of 2019, registered for the alleged offence under Sections 272, 272 of the Indian Penal Code and Sections 30 (a), 33, 41 and 47 of the Bihar Prohibition and Excise Act.

03. As per prosecution case, information was received about two trucks carrying illicit liquor. Both the trucks were intercepted and four persons, two from each truck, were apprehended when they tried to flee away from the spot. The co-accused disclosed the name of the petitioner being the owner of one of the trucks, from which recovery of 8000 liters of spirit was made.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely because of the facts that he was the owner of the truck bearing Registration No. WB-25 G-5523. The real facts of the case is that the petitioner has handed over this truck to co-accused Roshan Ali for plying on payment basis. The truck of the petitioner is a commercial vehicle and the petitioner has no knowledge about the goods being carried on the said truck. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no involvement of the petitioner in the trade of illicit liquor and he has no concern with the seized liquor. Learned counsel further submits that a number of co-accused persons who were apprehended from the spot and were named in the FIR have been granted regular bail/anticipatory bail by this Court and the different Coordinate Benches of this Court in Criminal Misc. Nos. 80627 of 2019 and 33040 of 2021, 36156 of 2022, 36947 of 2022, 52321 of 2022 and 16877 of 2023, respectively. The petitioner is in custody since 31.01.2024 and charge-sheet has been submitted. The petitioner is having antecedent of one case.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioner is the owner of the truck from which recovery huge quantity of spirit was made and



the petitioner is a resident of West Bengal.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is the owner of the truck and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Purnea in connection with Special Excise Case No. 854 of 2019 arising out of Baisi P.S. Case No. 238 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) Both the bailors will be the close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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