

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5032 of 2023

Arising Out of PS. Case No.-7 Year-2021 Thana- BAHADURGANJ District- Kishanganj

Md. Mukleshwar Rahaman Son Of Shree Md. Siddique Hossain R/O Village-
Kutubganj, P.S.- Sultanganj, District- Malda, West Bengal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 10-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Case No. Special 15/2021 (Supplementary)m, arising out of Bahadurganj P.S. Case No. 07 of 2021, registered on 07.01.2021 for the offences under Sections 272, 273 of the Indian Penal Code and Sections 30(a)/35/36/41 of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, recovery of 2206 litres of India made foreign liquor was made from a truck stated to be owned by this petitioner. The recovery was made during a drive of smuggling of illicit liquor and five such vehicles were seized and recovery of about 10000 litres of illicit liquor was made.

4. Learned counsel for the petitioner submits that the petitioner initially owned vehicle bearing No. WB83-0896



but subsequently he transferred the ownership to one Md. Selim through a general power of attorney dated 25.12.2020 which was duly notarized. Md. Selim filed C.W.J.C. No. 1666 of 2022 after confiscation proceedings were initiated against the said truck claiming himself to be owner which was disposed of by a Division Bench of this Court vide order dated 22.04.2022. After transferring the ownership of the truck in question on 25.12.2020, the question of involvement of the petitioner does not arise in the alleged occurrence. The petitioner is a doctor and carries good reputation and has no nexus with the bootleggers who are dealing in the smuggling of illicit liquor. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the huge quantity of illicit liquor was recovered from the truck said to be belonging to the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact about transfer of ownership prior to the occurrence and subsequent owner filing writ petition before this Court for release of the vehicle in question and further considering the strong possibility of false implication, let the



petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge -II -cum- Special Judge (Excise)-1, Kishanganj/concerned court in connection with Case No. Special 15/2021 (Supplementary), arising out of Bahadurganj P.S. Case No. 07 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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