

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79342 of 2024

Arising Out of PS. Case No.-162 Year-2019 Thana- BAISI District- Purnia

Jakir @ Jakir Shekh @ Jakir Sk S/O Mojamil @ Mojamil Shekh R/O Village-
Karaia, P.O- Karaya, P.S- Sagar Dighi, District -Murshidabad, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail

has been filed by the petitioner apprehending his arrest in

a case instituted for the offence punishable under

Sections 272, 273 of Indian Penal Code and Sections

30(a), 41, 47 of Bihar Prohibition & Excise Act.

3. Prosecution case relates to recovery of 1764

litres of Indian Made Foreign Liquor from a Truck bearing

Reg. No. WB-59B-4605. Co-accused Samkul Haque and

Jahangir Alam (Driver and Cleaner of the said Truck)

were apprehended on the spot. It is further alleged that



co-accused Samkul Haque disclosed the name of petitioner as owner of the alleged liquor.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery or with the aforementioned Truck. The name of petitioner sprang up in this case on the disclosure of co-accused Samkul Haque before the police. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the



event of his arrest or surrender in connection with Baisi P.S. Case no. 162 of 2019, he will be enlarged 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 Exclusive Special Judge, Excise Court No. I, Purnia, subject to the conditions as laid down under section 438(2) of the Cr.P.C., with following conditions:-

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

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

(iv) In case, the petitioner repeats offence of



similar nature after enlargement on bail, his bail bonds
may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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