

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49479 of 2017

Arising Out of PS.Case No. -1375 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
BHABHUA (KAIMUR)

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Md. Ashif Alam, S/O Md. Samsudin Alam, R/V- Lauda Makdamabad, P.S.
Ali Nagar, District-Chandauli, U.P.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Pandey, Advocate.

For the Opposite Party : Mr. Rajendra Singh Shastriji, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
20.08.2017 in a case for the offence registered under Section 37(a)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the police
searched a Bus and recovered 8.640 liters of foreign liquor from
possession of the petitioner.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. 8.640 liters of foreign liquor is said to have been
recovered from possession of the petitioner. It is further submitted



that the recovery was not made from conscious possession of the petitioner nor the petitioner had any knowledge regarding the goods being transported by the Transporter. No compliance of Section 100 Cr. P.C. has been made in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the prosecution report.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Special Judge-cum-A.D.J. 4th, Kaimur, in connection with Excise Case No. 1375 of 2017.

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(Sudhir Singh, J)

