

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18312 of 2020

Arising Out of PS. Case No.-92 Year-2019 Thana- BAKHTIARPUR District- Saharsa

MD. NAUSHAD S/o Md. Nizam @ Md. Nizam Resident of Village-
Jolhaniya, Tola- Rahika, Ward No. 11, P.S.- Pipra, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-05-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Bakhtiyarpur (Balwa Hat O.P.) P.S. Case No. 92 of 2019
registered for the offence punishable under Sections 30(a), 38(1)
and 41(1) of the Bihar Prohibition and Excise Act.

It is the case of the prosecution that 177.84 liters of
illicit liquor and one mobile phone was recovered from a maruti
van. The petitioner's name has transpired on the basis that SIM
of the mobile phone was found to be registered in the
petitioner's name.

Learned counsel for the petitioner has submitted
that the evidence of the petitioner's connection with the offence
alleged is only on the ground of presence of the said mobile
phone, the petitioner cannot be said to be in possession of the



liquor so seized and participating in commission of the said offence.

Considering the above submission and the fact that the petitioner was not found present at the place of occurrence, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II, Saharsa, in Bakhtiyarpur (Balwahat O.P.) P.S. Case No. 92 of 2019.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and



future use, if any.

(iv) The said order shall be communicated to the Court below for the needful by the Registry through e-mail.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

Pawan/-

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

