

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23933 of 2020

Arising Out of PS. Case No.-236 Year-2020 Thana- BAHADURPUR District- Darbhanga

MD. SHAMSHER Son of Md. Najir Resident of Pandasara, P.S. -
Laheriasara, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. Mr. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-09-2020 Heard Mr. Bijay Bhushan Prasad, learned counsel
for the petitioner and Mr. Md. Anzarul Haque Sahara,
Additional Public Prosecutor for the state through video
conferencing.

2. Petitioner seeks regular bail in connection with
Bahadurpur PS Case No. 236/2020 registered for the offence
punishable under Sections 30(a) and 41 of Bihar Prohibition &
Excise Act 2016.

3. The allegation against the petitioner as per First
Information Report of the informant, a police officer, is that the
police on the basis of confidential report came to know about a
consignment of liquor kept in a truck which was being unloaded
on a XUV, and the police proceeded towards the place of
occurrence where 10-11 persons were engaged in loading and
unloading of liquor who upon seeing the police party tried to



flee away, but out of them, three accused persons, namely, Jaswindar Singh, Saba Karim and Md. Shamsheer were apprehended by the police on chase and rest of them succeeded to escape taking the benefit of darkness. Upon search, the police recovered 765 Litres of liquor from the truck and 90 litres from the XUV.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. Learned counsel further submits that petitioner was coming out of a line hotel where truck was standing and the petitioner is not the owner or driver of the truck or the XUV in question and from perusal of the FIR, it would be evident that two persons have been arrested along with the petitioner who disclosed that they are drivers of truck and XUV respectively.

5. Learned counsel next submits that no illicit liquor has been recovered from the conscious possession of the petitioner and he is in custody since 05.06.2020.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and he is in custody since



05.06.2020, I am inclined to grant regular bail to the petitioner.

7. Accordingly, let the petitioner, Md. Shamsheer be released on bail, if he is not required in any other case, on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Darbhanga in connection with Bahadurpur PS Case No. 236/2020.

8. It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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