

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40856 of 2020

Arising Out of PS. Case No.-201 Year-2020 Thana- BENIPATTI District- Madhubani

Ashafak Alam @ Ashafak @ Md. Ashafak Alam @ Matlub @ Md. Matlub
Alam Son Of Md. Sabir Alam Resident Of Village- Pupri, P.S.- Pupri,
District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Benipatti P.S. Case no. 201 of 2020 corresponding to G.R no. 931 of 2020 registered under sections 272 and 273 of the Indian Penal Code and section 30(a) of Bihar Prohibition and Excise Act.

As per allegation in the F.I.R., two vehicles were intercepted and on search it is stated that 135 litres of country made liquor and 270 litres of Nepali liquor were recovered from the said two vehicles and three persons including the petitioner herein were taken into custody.

It is submitted by learned counsel for the petitioner that the allegation of recovery is false and concocted. No incriminating article has been recovered from the person or



possession of the petitioner. It is further submitted that from reading of the FIR or the seizure list, it does not transpire as to what quantity of liquor is alleged to have been recovered from the vehicle of the petitioner. The petitioner has no criminal antecedent and is in custody since 08.08.2020. Charge sheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the petitioner being in custody since 08.08.2020, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Benipatti P.S. Case no. 201 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Madhubani.

B.Kr./-

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(Partha Sarthy, J)

