

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3457 of 2022**

Arising Out of PS. Case No.-162 Year-2021 Thana- MUFFASIL District- Aurangabad

Md Nayeem Son of Ajamatullah Resident of Village - Khaira, P.S.- Saraiya
(O.P. Jaitpur), Dist.t- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate
For the State : MS. Veena Rani Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 01-07-2022 Heard learned counsel for the petitioner and learned
APP for the State thorough virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Muffasil
Aurangabad P.S. Case No. 162 of 2021 registered for the
offence under Sections 30(a) and 41 of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.07.2020.

The allegation against the petitioner is to run away
from the place of occurrence, where there was a recovery of
1323 liters of foreign liquor and 11,000 kg of Makka from a
truck, bearing registration no. BR 11 L/0993.



Learned counsel appearing on behalf of the petitioner submitted that the the recovery has not been made from the conscious physical possession of the petitioner, as per seizure list. It has been submitted that similarly situated co-accused has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 63177 of 2021 dated 03.03.2022. While concluding the argument, it has further been submitted that petitioner is a man of clean antecedent and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has not been made from the conscious physical possession of the petitioner

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Muffasil Aurangabad P.S. Case No. 162 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Aurangabad, Bihar, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Md. Masum Raja, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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