

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3689 of 2022

Arising Out of PS. Case No.-277 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Md Parwez Alam @ Golu S/o- Md Khalil R/o- Kurji Balupar, Shivajinagar,
P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through 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 Digha
PR-277 of 2021 registered for the offence under Sections 30(a),
32(1), 32(3), 41(1) and 41(2) of Bihar Prohibition and Excise
Act, 2018 and Sections 8(c), 20(b), 22(b) and 23(b) of NDPS
Act, 1985.

The accused/petitioner is in custody since 19.02.2021.

The allegation against the petitioner is to involve in
illegal business of illicit liquor, where there was a recovery of



7.425 liters of foreign liquor and 500 grams of Ganja.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of Ganja is less than commercial quantity. It has been submitted that petitioner is a staff working in the hotel of the co-accused, which is accessible to general public, as such, it cannot be said that recovery has been made from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and, moreover, 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 quantity of Ganja recovered is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner, who is a person with clean antecedent, rather the same has been recovered from a hotel, which is accessible to general public 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 Digha PR-277 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 Special Judge, Excise, Patna, 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 Halima Khatoon, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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