

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8530 of 2022

Arising Out of PS. Case No.-394 Year-2020 Thana- GORAUL District- Vaishali

Md.Subhan @ Md.Arfaque Son of Late Md. Ibrahim Resident of Village-
Begam Patti, P.S.- Gorul (Kathara O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 30(a) of the Bihar Prohibition
and Excise Act, 2018 in connection with Gorul (Kathara O.P.)
P.S. Case No. 394 of 2020.

Accused/petitioner is named in the FIR and in custody
since 18.12.2021.

Allegation against the petitioner is to have illegal
possession of 187.635 litres of foreign liquor, which was
recovered from the house of the petitioner.

Learned counsel for the petitioner submits that
nothing has been recovered from the conscious possession of



the petitioner. While arguing over the matter, it has further been submitted that the charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence. He further submits that the petitioner is involved in one more case of similar nature.

Learned APP appearing on behalf of the State, while opposing the prayer for bail conceded that recovery cannot be said from exclusive possession of the petitioner, as such, alleged house may be occupied by the other adult members of the family.

Considering the above mentioned facts and circumstances and as recovery has not been made from the conscious possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Gorul (Kathara O.P.) P.S. Case No. 394 of 2020 on furnishing bail bound of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, subject to the following condition:

(1) *That the petitioner shall not be involved in the similar nature of case till conclusion of the trial and learned court below*



shall be at liberty to cancel the bail bond of the petitioner, if the involvement of the petitioner will be found in the similar nature of case.

(2) That one of the bailors shall be the close relative of the accused petitioner like father / mother / daughter / son / sister / brother.

(Chandra Shekhar Jha, J)

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