

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8686 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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1. Md. Sikandar Son of Late Md. Udaris @ Late Md. Idris Resident of Village- Sokhara, Ward No.-1, P.S.- Fulwariya, District- Begusarai.
 2. Md. Shakil Son of Md. Rahmat Ullaha @ Md. Rahamtulla Resident of Village- Fulwaria Ganj, Ward No.10, Phulwariya, P.S.- Fulwaria, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek regular bail in connection with
Excise P.S. Case No. 43 of 2021 instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amended) Act, 2018.

Learned counsel for the petitioners submit that the
petitioners are in custody since 28.10.2021, are persons with
clean antecedent and charge-sheet has been submitted in the
case.

The prosecution case, is that, on 28.10.2021, the
informant received a secret information that some persons were



unloading the illicit liquor from Maurya Express at Barauni Junction and were keeping at Pokhar Mohalla. On getting such information, the informant along with police personnel reached at the said place and started searching the vehicles and found that two persons were carrying plastic bags on their head. On suspicion, they were stopped and during the course of investigation, they disclosed their names as Md. Sikandar and Md. Shakil and on searching plastic bags total 61.5 liter country made liquor and 67.5 liter country made liquor were recovered from the possession of the said petitioners respectively.

Learned counsel for the petitioners submits that the petitioners are innocent and nothing have been recovered from the possession of the petitioners. It is further submitted that the petitioners are labourers and while they were going to market for searching work, they were arrested. Further, it is submitted that there is violation of Section 100 Cr.P.C. which will clearly shows from seizure list itself.

Learned A.P.P. for the State opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 28.10.2021 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-special Judge, Excise Act, Begusarai in connection with Excise P.S. Case No. 43 of 2021.

(Khatim Reza, J)

Gaurav Kumar/-

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