

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10520 of 2022**

Arising Out of PS. Case No.-272 Year-2021 Thana- AWTARNAGAR District- Saran

Aftab Alam son of Inus Miyan @ Md. Yunus Resident of Village- Saidpur
Jhawan, P.S.- Awatarnagar, District- Saran at Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, 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 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
Awatarnagar P.S. Case No. 272 of 2021 registered for the
offence under Section 30 and 30(a) of Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.10.2021.

The allegation against the petitioner is to have in
possession of 140 liters of Mahua liquor, which was recovered
from motorcycles bearing Registration no. BR 31 M 8881 and
BR 21 D 2574.

Learned counsel for the petitioner submitted that
nothing surfaced during the course of investigation, which may



connect the petitioner with the alleged motorcycle from which the recovery of illicit liquor has been made. It has been submitted the recovery cannot be said from the exclusive possession of the petitioner as the motorcycle was also occupied by a pillion rider. It has further been submitted that petitioner is involved in four other cases in which he is on bail. While concluding the argument, it has been submitted that investigation in this case is complete for which chargesheet has been submitted, 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 petitioner is not the owner of the alleged motorcycle.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during the course of investigation, which may connect the petitioner with the alleged motorcycle 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 Awatarnagar P.S. Case No. 272 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, Saran at Chhapra, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Inus Miyan @ Md. Yunus, who is the father-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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