

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13403 of 2022

Arising Out of PS. Case No.-208 Year-2021 Thana- MAHESHKHUNT District- Khagaria

Md. Irfan @ Munnu @ Munna Son Of Late Md. Yusuf R/O Village- Fatehpur,
Ward No.-09, P.S.- Zeromile, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 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
Maheshkut P.S. Case No. 208 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.12.2021.

The allegation against the petitioner who is driver of
the alleged tempo is to be engaged in illegal trade of illicit
liquor, where, there is recovery of 156.6 litres of IMFL .



Learned counsel appearing on behalf of the petitioner submitted that the auto can be jointly occupied the petitioner. It has been submitted that petitioner was a driver and it cannot be said from the recovery is made from conscious physical possession of the petitioner. It is submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that tempo jointly occupied by the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged 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 charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maheshkut P.S. Case No. 208 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 Excise Judge-II, Khagaria, 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 Mohammad Imran, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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