

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13512 of 2022

Arising Out of PS. Case No.-7 Year-2021 Thana- BAHADURGANJ District- Kishanganj

Murshid Alam Son of Md. Alam @ Md. Asim Resident of Farsara, P.S.-
Dalkhola, District- Urrar Dinajpur (W.B.).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Special Case No. 15 of 2021 arising out of
Bahadurganj P.S. Case No. 07 of 2021 registered for the alleged
offences under Sections 272, 273 of the Indian Penal Code and
Section 30(a), 35, 36 and 41 of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in brief, is that on receipt of
secret information that some trucks were carrying huge quantity
of liquor, the police checked five trucks from and about 9000
liters of illicit foreign liquor was seized and arrested the co-



accused persons, who were said to be the drivers and cleaners of the seized trucks. The arrested co-accused persons disclosed that the illicit liquor was loaded on the vehicles from the godown of the petitioner situated at Dalkhola, West Bengal.

The learned counsel for the petitioner submits that the petitioner has nothing to do with the alleged recovery and the petitioner is resides at West Bengal and in that State sale and purchase of liquor is not prohibited. The petitioner has got no concern if a person purchases the liquor from West Bengal and drinks it to Bihar. Moreover, the petitioner has no concern with the vehicle, driver or owner of the seized vehicle. Learned counsel further submits that the petitioner has been named in three other cases in routine manner by the police though there is no involvement of this petitioner in those cases. The petitioner is in custody since 19.01.2022.

Learned A.P.P. for the State opposes the prayer of bail submitting that huge quantity of illicit liquor has been recovered and this petitioner is actively involved in supplying this liquor in Bihar and he has got criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and charge sheet has been filed in this case and



further considering the fact that other co-accused persons have been granted bail by co-ordinate Benches and further taking into account the period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-Special Judge (Excise), Kishanganj in connection with Special Case No. 15 of 2021 arising out of Bahadurganj P.S. Case No. 07 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner shall be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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