

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16466 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

Maniur Rahman S/o Muslim Mohammad R/o village- Kanejara, P.S.- Raiganj,
District- Raiganj (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, 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

Kochadhaman P.S. Case No. 297 of 2021 registered for the

offence under Sections 419, 420, 272 and 273 of the Indian

Penal Code and Sections 30(a), 32, 41 and 47 of the Bihar

Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.10.2021.

The allegation against the petitioner is to be engaged

in illegal trade of illicit liquor, where, there is recovery of



2651.4 litres of IMFL.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery has been made from jointly occupied truck and the petitioner was driver. It has further been submitted that nothing surfaced during course of the investigation, which may suggest that the petitioner was under knowledge of consignment of illicit liquor. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner was driver and also the alleged vehicle was jointly occupied by other co-accused persons.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kochadhaman P.S. Case No. 297 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), Kishanganj/concerned court, 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 Afaj, who is the Grand-father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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