

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17785 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- MADANPUR District- Aurangabad

Md. Murad Son of Md. Vajuddin Resident of Village - Bandhua Bigha, P.S.
Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Madanpur P.S. Case No. 28 of 2022 registered for the offence
under Sections 279, 188 and 427 of the Indian Penal Code and
30(a) & 33 of the Bihar Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 21.01.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 525
litres of illicit spirit.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery has been made from jointly occupied Scorpio with other co-accused persons, as such, it cannot be said that the recovery has been made from the conscious physical possession of the petitioner. It has also 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 the alleged vehicle was occupied by the several co-accused persons.

Considering the facts and circumstances as mentioned above, as the recovery cannot be said from conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Madanpur P.S. Case No. 28 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.Ist-cum- Special Judge Excise, Aurangabad, 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 Saibun Bano, who is the cousin mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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