

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17490 of 2022

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

Md. Asif aged about 21 years, Male Son of Md. Samsuddin Residnet of village - Bandhua, P.S.- Kutumba, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, 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.

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 Section 30(a) of the Bihar Prohibition And Excise (Amendment) Act, 2018

The accused/petitioner is named in the F.I.R. and is in custody since 22.01.2022

The allegation against the petitioner is to involve in illegal trading of illicit liquor, where 525 liters of spirit was recovered from a Scorpio car bearing Registration no. JH 01 CS 7999.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis



of apprehended co-accused, namely, Vishal Tiwari and Murad. It is submitted that in furtherance of said disclosure of co-accused persons, no illicit liquor recovered from the conscious physical possession, which may incriminate the petitioner with the alleged recovery. While concluding the argument, it is submitted that investigation in this case is complete, for which, charge sheet 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 it is not a case of recovery of illicit liquor from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as there is no recovery of illicit liquor 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 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 Special Judge, Excise- 1st, Aurangabad 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 Md. Arif Raza, who is the own brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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