

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21800 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

MURSHID ALAM Son of Md. Alam Resident of Village - Farsara, P.S. -
Dalkola, District - Uttar Dinajpur, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 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. 18 of 2021 registered for the
offence under Section 30(a), 32, 35, 36 and 41 of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.01.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 540 litres of IMFL from the vehicle bearing
registration no. BRG.A.8232.



Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Guddu Paswan. It is submitted that nothing surfaced during course of investigation in order to recovery of illicit liquor from possession of the petitioner, in furtherance, of the disclosure of the co-accused, which may connect petitioner with present set of alleged recovery. It has further been submitted that petitioner is involved in five (5) cases of similar nature, in which, in most of the cases, name of the petitioner surfaced on the basis of confessional statement, as of present. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that it is not a case of recovery of illicit liquor from the physical possession of the petitioner, as per FIR.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioner 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 Kochadhaman P.S. Case No. 18 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-cum-Additional District & Sessions Judge, Kishanganj/concerned court, subject to the following conditions:

“(i) That 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 Hashim Ansari, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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