

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25858 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- MINAPUR District- Muzaffarpur

Md. Shamshad Shah @ Shamshad Shah Son of Md. Reyazul Shah R/O
Village- Raghobpur, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the parties thorough
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 Minapur
P.S. Case No. 85 of 2022 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code, Section
30(a) of the Bihar Prohibition and Excise Act, 2016 and
Sections 20 and 22 of NDPS Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.02.2022.

The allegation against the petitioner is to have in
possession of 30 sachet of smack like substance and 30 liters of
spirit and allegation is also to involved in illegal business of
illicit liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery of alleged illicit liquor is from open place. It has also been submitted that without obtaining forensic science laboratory report, chargesheet has been submitted in this case. It has further been submitted that the recovered alleged contraband is less than commercial quantity and, as such, Section 37 of the N.D.P.S. Act is not attracted in this case. While concluding the argument, it has been submitted that the mandatory provisions of search and seizure was not complied with.

Learned APP appearing on behalf of the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor is from open place and also the recovered quantity of contraband is less than commercial quantity coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Minapur P.S. Case No. 85 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 Exclusive Special Excise Court No.-I, Muzaffarpur, 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 Shahana Khatoon, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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