

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27415 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- BENIPATTI District- Madhubani

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MD. FIROZ S/o Late Md. Bhola Resident of Village- Jhitaki Ward No.13,
P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 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 Benipatti
P.S. Case No. 51 of 2022 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.03.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 79.500 litres of Nepali wine from Tempo.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the owner-cum-driver of alleged Tempo(three wheeler) occupied by several persons and as such it cannot be said that illicit liquor was recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent. 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 that recovery of illicit liquor was made from the tempo (three wheeler).

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Benipatti P.S. Case No. 51 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 Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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