

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36908 of 2022

Arising Out of PS. Case No.-353 Year-2021 Thana- GORAUL District- Vaishali

Khurshid Alam Son of Rahman Mian @ Raushan Mian R/O Village-
Majhauri, P.S.- Vaishali (VELSAR O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 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 Goraul
P.S. Case No. 353 of 2021 registered for the offence under
Sections 272, 273, 420, 467, 468, 471/34 of I.P.C. and under
Sections 30(a), 32(1), 32(3), 36, 41(1), 41(2) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 1124.640 litres of IMFL/country made liquor from the alleged Pick Up Van bearing registration no. BR06GB-2785.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated with present recovery of illicit liquor for the reason that he is the owner of alleged Pick Up Van. It is also submitted that admittedly, the recovery of illicit liquor was not made from the 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 not made from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as 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 Goraul P.S. Case No. 353 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 Additional Sessions Judge-1-cum-Excise Court, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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