

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37536 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- KASBA District- Purnia

Md. Naushad Alam @ Md. Nausad Son of Abdul Talib @ Abu Talif R/O
Village- Balu Tola, P.S.- Kasba, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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 Kasba
P.S. Case No. 87 of 2022 registered for the offence under
Section 272, 273 and 34 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 02.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 490.875 litres of IMFL/country made liquor from
the house of the co-accused.



Learned counsel appearing on behalf of the petitioner submitted that incidentally, petitioner visit to the house of the co-accused Taukir Alam, being a co-villager from where alleged illicit liquor was recovered. It is further submitted that the petitioner is not apprehended on spot and, as such, it cannot be said to be recovered from conscious physical possession of the petitioner, who is a man of clean antecedent. It has been submitted that investigation is complete, where 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 the recovery of illicit liquor was not made from the conscious physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been 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 Kasba P.S. Case No. 87 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 Judge Court
No.1, Purnea/concerned court, subject to the conditions as
mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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