

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41247 of 2022**

Arising Out of PS. Case No.-148 Year-2021 Thana- AURANGABAD TOWN District-  
Aurangabad

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Md. Irfan @ Irfan Alam @ Md. Irfan Alam, Son Of Late Gulam Rasul Miyan  
R/O Village- Mahudandawa, P.S.- Tarhasi, District- Palamu (JHARKHAND)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shiv Prasad Gupta  
For the Opposite Party/s : Ms. Rita Verma

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      24-08-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

The learned counsel for the petitioner submits that earlier by order dated 25.05.2022 passed in Cr. Misc. No.6511 of 2022, the bail application of the petitioner was permitted to be withdrawn. Thereafter, the petitioner filed the present application (Cr. Misc. No.41247 of 2022) renewing his prayer for bail.

The learned counsel next submits that though the bail was granted to the petitioner by order dated 10.08.2022, but in the order sheet, inadvertently instead of granting regular bail to the petitioner, the order was typed as granting anticipatory bail to the petitioner.



The learned counsel thus submits that the order dated 10.08.2022 in the present case be modified to read that the bail granted to the petitioner is regular bail and not the anticipatory bail.

In view of the submissions made by the learned counsel for the petitioner, the order dated 10.08.2022 is modified in the manner as indicated herein below:-

“Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 30(a) of the Bihar Excise Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 12.01.2022, he is a person with clean antecedent and the allegation is of recovery of 1515 litres of liquor from a vehicle as detailed in the F.I.R.

The learned counsel for the petitioner submits that when alleged seizure was made, he was not arrested from the spot, as such, nothing was recovered from his conscious possession, but based on the confessional statement of co-accused, his name transpired and thereafter, the petitioner came to be arrested.



The learned counsel next submits that the vehicle from which the alleged recovery was made belonged to the petitioner, but then the vehicle was commercial and it was booked and the petitioner was completely unaware that his commercial vehicle would be misused by the driver in connivance with the party, who had booked the consignment for transportation. The learned counsel next submits that except for confessional statement, which has no evidentiary value, there is nothing in the investigation to connect the petitioner with the offence and the fact that the vehicle belongs to him, but then petitioner was not arrested from the spot or from the place where the alleged seizure was made.

Learned A.P.P. opposes the bail application.

Considering the fact that petitioner is a man of clean antecedent and is in custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Aurangabad Town P. S. Case No.148 of 2021.

The application stands allowed.”

Accordingly, the order dated 10.08.2022 in the present



application is modified to the extent indicated above.

(Satyavrat Verma, J)

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