

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42122 of 2022**

Arising Out of PS. Case No.-1 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

MURSHID ALAM S/o Late Md. Aalim Resident of Village- Falsara, P.S.-  
Dalkola, District- Uttar Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate  
For the Opposite Party/s : Mr.Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      27-08-2022                      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  
Kochadhaman P.S. Case No. 01 of 2021 registered for the  
offence under 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 19.05.2022.

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



recovery of 120 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, petitioner is doing business of liquor in West Bengal, where the present Excise Act is not in vogue. It is further submitted that the name of petitioner surfaced on the basis of disclosure made by apprehended accused persons, namely, Md. Jumman and Mumtaz. It has been submitted that petitioner has been implicated in this case only due to his criminal antecedents, where he is involved in 22 more criminal cases of similar nature and moreover, investigation is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from physical possession of the petitioner, admittedly, doing the business of liquor from outside territory of Bihar 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 Kochadhaman P.S. Case No. 01 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 District & Sessions Judge-II-cum-Special Judge (Excise), Kishanganj/concerned court, subject to the conditions as mentioned under Section 437(3) of the 2022Cr.P.C.

**(Chandra Shekhar Jha, J)**

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