

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46861 of 2022**

Arising Out of PS. Case No.-104 Year-2021 Thana- DALSINGHSARAI District- Samastipur

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NAUSAID ALAM Son of Late Abdul Alam @ Sabdul Alam Resident of Village- Seyal Gudari, new Colony, Purai (Putaki), P.S.- Putaki, District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar Singh, Advocate
		Mr.Pravin Kumar, Advocate
For the Opposite Party/s :		Ms.Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-09-2022 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
Dalsingsarai P.S. Case No. 104 of 2021 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 18.04.2021.

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



was recovery of 1206 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of the alleged vehicle, from where recovery of illicit liquor was made. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge to carry the consignment of alleged illicit liquor. It is further submitted that this is not a case of recovery of illicit liquor 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 of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering 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 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 Dalsingsarai P.S. Case No. 104 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 Special Excise Court-I,
Samastipur/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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