

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43221 of 2022

Arising Out of PS. Case No.-170 Year-2022 Thana- KHAJEKALA District- Patna

MD. ALI ASGAR S/O SAHWAN SAH @ SAHWAZ SAH Resident of
village- Banauli P.S.- Khirimod, District Patna at present tenant of Raja Ji,
Mohalla Bahadurpur Gumti, P.S.- Bahadurpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, 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
Khajekalan P.S. Case No. 170 of 2022 registered for the offence
under Section 414 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 05.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 140 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of alleged illicit liquor was made from scooty, which belongs to friend of the petitioner. It is submitted that recovery of illicit liquor was not made from conscious physical possession of the petitioner, who is a man of clean antecedent. It is further submitted that seizure list is not supported by independent witnesses as they are police personnel.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list appears to be doubtful, as same is not supported by independent witnesses, where petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Khajekalan P.S. Case No. 170 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 Special Judge Excise, Patna City, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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