

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50171 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

SHEK SHMSHAD @ SHEKH SHAMSAD Son of Md. Chand @ Shekh
Chand Resident of Village - Ramkaran Pakdi, P.S.- Chakia, District - East
Champan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-09-2022 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
Mohammadpur P.S Case No. 101 of 2022 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 10.05.2022.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 224.82
litres of IMFL.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is driver of the alleged car, from where, recovery of illicit liquor was made. It has further been submitted that nothing surfaced during course of the investigation, which may suggest that the petitioner was under knowledge of consignment of illicit liquor. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already 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 no recovery of illicit liquor appears to be made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mohammadpur P.S Case No. 101 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 Additional District and Sessions Judge- II-cum – Special Judge Excise – 1 concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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