

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54892 of 2022

Arising Out of PS. Case No.-638 Year-2020 Thana- CHAPRA TOWN District- Saran

Shalauddin Quraishi @ Shalauddin Kuraisi Son of Shamid Quraishi @
Shamid Kuraisi Resident of Village - East Dahiawan Mission Road, P.S.-
Chapra Nagar, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Rai, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chapra
Nagar P.S. Case No. 638 of 2020 registered for the offence
under Sections 30(a) and 41(i)(ii) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.12.2020.

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



was recovery of 104 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from an open place, as per seizure list, which is the bank of river and accessible by general public and, as such, safely gathered that recovery was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is further submitted that seizure list appears disputed, as same is not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that investigation of this case is complete, where 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 alleged illicit liquor appears from an open place, not 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 Chapra Nagar P.S. Case No. 638 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned 2nd
Additional Sessions Judge-cum-Special Judge, Excise,
Saran/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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