

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55941 of 2022

Arising Out of PS. Case No.-552 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Murshid Alam @ Md. Murshid Son of Late Md. Aalim @ Late Aalim R/V-
Falsara, P.S- Dalkola, Dist- Uttar Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s : Mrs.Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Begusarai Muffasil (Lakho) P.S. Case No. 552
of 2020 registered for the alleged offences under Sections 30 (a)
and 41(1) of the Bihar Prohibition Act and Excise (Amendment)
Act, 2018.

As per prosecution case, recovery of total 1332.900
litres of India made foreign liquor was made from a tanker,
when it was intercepted on receipt of secret information. Three
persons were apprehended from this tanker and the driver



Shankar Rai named this petitioner who got the consignment of liquor loaded in the tanker.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. It is apparent from the record that tanker was loaded in the West Bengal with the help of the petitioner and there is no prohibition in the State of West Bengal. Learned counsel further submits that petitioner is in custody since 18.05.2022 and charge-sheet has been submitted.

Learned APP vehemently opposes the prayer for bail submitting that the petitioner has got long criminal history and accused in altogether 22 cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering his period of custody and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise)-I, Begusarai in connection



with Begusarai Muffasil (Lakho) P.S. Case No. 552 of 2020,
subject to the conditions mentioned in Section 437(3) of the
Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of
the petitioner.

(ii) The petitioner will remain present on each and
every date fixed by the court below.

(iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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