

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56054 of 2022

Arising Out of PS. Case No.-487 Year-2022 Thana- MADHEPURA District- Madhepura

1. Md. Rafiuddin @ Rafiuddin @ Md. Rafik Son Of Md. Jamaluddin @ Md. Jamal R/O M.P. Road, Millat Nagar Jugsalai, P.S.- Jugsalai, Distt.- East Singhbhum (Jharkhand)
2. Md. Shahnawaj Ahmad @ Shahnawaj Ahmad Son Of Istiak Ahamad R/O Mango Azad Basti, P.S.- Azad Nagar, Distt.- Jamshedpur (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with
Madhepura P.S. Case No. 487 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioners are named in the F.I.R. and
both are in custody since 27.05.2022.

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



was recovery of 446.400 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 is driver and petitioner no.2 is cleaner of the alleged vehicle, from where illicit liquor was recovered. It is further submitted that nothing surfaced, during the course of investigation, which may suggest that both the petitioners were aware about the consignment of alleged illicit liquor and, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of both the petitioners. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that both the petitioners are men of clean antecedent and, moreover, 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 seizure list appears doubtful, being not supported by independent witnesses, where both the petitioners are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are



directed to be released on bail in connection with Madhepura P.S. Case No. 487 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Madhepura/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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