

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61065 of 2022

Arising Out of PS. Case No.-251 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Afroj Alam son of Mahboob Alam Resident of Village - Manjhwaliya, P.S.-
JamoBajar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 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 Excise Case

No. 251 of 2022 registered for the offence under Sections 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 11.08.2022.

The allegation against the petitioner is to be engaged in

illegal trading/manufacturing of illicit liquor, where, there is recovery

of 362.880 litres of IMFL/country made liquor from the alleged

vehicle.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was mere passer-by and for no reason he was implicated in this case. It is submitted that passenger otherwise having no connection either of alleged recovery or alleged vehicle from where recovery of illicit liquor was made. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has 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 recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent 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 Excise Case No. 251 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 Court of Exclusive Special Excise Court No. 2, Siwan/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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