

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64869 of 2022

Arising Out of PS. Case No.-32 Year-2020 Thana- INDUSTRIAL AREA District- Vaishali

Md. Murshid @ Md. Murshid Alam S/o Md. Alam @ Md. Asim Resident of
Gorsara, P.S.- Dalkhola, Distt- North Dinajpur (West-Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 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 Industrial
Area P.S. Case No. 32 of 2020 registered for the offence under
Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.12.2021.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 3603.54 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is the name of petitioner surfaced on the



basis of disclosure made by the driver of the truck, where it appears that petitioner is a supplier of the illicit liquor, where nothing surfaced during the course of investigation, which may suggest allegation, as alleged through F.I.R., supporting that petitioner is a supplier of illicit liquor. It is further submitted that admittedly, recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is also submitted that petitioner involved in 16 more criminal cases of similar nature, where he is on bail. While concluding the argument, it is submitted that investigation of this case is 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 petitioner is in custody since 09.12.2021, where admittedly, recovery of illicit liquor is not made from conscious physical possession of this petitioner 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 Industrial Area P. S. Case No. 32 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 Exclusive Excise Court No. 1-cum-Additional Sessions Judge, Vaishali at Hajipur/concerned Court, subject to the conditions as mentioned:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

Archana/-

(Chandra Shekhar Jha, J)

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