

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.69217 of 2021

Arising Out of PS. Case No.-363 Year-2021 Thana- PHULWARIYA District- Gopalganj

TAHIR MIAN @ MUNNA @ MD. TAUHID @ MUNN @ M.D. TAUHID
@ MOHAMMAD TAUHEED Son of - Abu Mohammad Resident of Village -
Fulgani (Phuluguni), Police station - Thawe, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Phulwariya Police Station Case No. 363 of 2021, registered for
the offences punishable under Sections 30 (a)/30 (b) of the
Bihar Prohibition and Excise Act, 2016 and Sections 182 (a)/(4)/
177/179 of the Motor Vehicle Act.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information,
tried to stop two white-coloured Scorpio vehicles, while one
vehicle stopped and the other vehicle did not stop and the driver
of the said vehicle tried to flee away but met with an accident



and the police recovered a total quantity of 540 litres and 90 litres of illicit liquor from the two vehicles respectively.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case by the police with oblique motive and he has not committed any offence in the manner alleged. He further submits that the petitioner had taken lift in one of the vehicles from which 90 litres of illicit liquor was recovered. He further submits that the petitioner is neither the owner nor the driver of any of the two vehicles and nothing has been recovered from the conscious possession and/or vehicle belonging to the petitioner. He further submits that the petitioner is in custody since 21.10.2021 and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is neither the owner nor the driver of any of the vehicles and no illicit liquor has been recovered from his conscious possession, charge sheet has already been submitted and the petitioner is in custody since 21.10.2021, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Gopalganj, in connection with Phulwariya Police Station Case No. 363 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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