

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57722 of 2022

Arising Out of PS. Case No.-228 Year-2022 Thana- DINARA District- Rohtas

NAIMUDDIN KHALIFA @ NAYAMUDDIN KHALIFA SON OF DAROGA
KHALIFA R/O VILLAGE- BHANAS, P.S.- BHANAS, DISTRICT-
ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Singh

For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 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 Dinara
(Bhanas) P.S. Case No. 228 of 2022 registered for the offence
under Section 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 28.06.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of



174.96 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver of the apprehended vehicle, from where, recovery of illicit liquor was made, where, nothing surfaced during course of investigation to suggest that the petitioner was under knowledge of consignment of illicit liquor, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is also submitted that seizure list is disputed, as same is not supported by independent witnesses. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner in the background of disputed seizure list 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 Dinara (Bhanas) P.S. Case No. 228 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 Exclusive Special Judge, Court No.1, Rohtas at Sasaram/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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