

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60005 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- SAHARGHAT District- Madhubani

Md. Ijarayeel @ M.D. Ijarayeel Son of Khalim Nadaf Resident of village and
Post - Gangaur, P.S.- Harlakhi, District – Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pushpendra Kumar Singh, Advocate
	:	Smt. Divya Bharti, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Saharghat
P.S. Case No.120 of 2022 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and 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 22.06.2022.

The allegation against the petitioner is to be in
possession of illicit liquor, where, there was recovery of 62 litres



of illicit Nepali Saufi liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not connected with the alleged motorcycle as he is neither owner, nor the driver of the said motorcycle at the time of recovery. It is submitted the as seizure list does not bears the signature of the petitioner, which is sufficient to suggest that alleged illicit liquor was not recovered from his conscious physical possession. 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 for bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not appears to be made from the conscious physical possession of this petitioner 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 Saharghat P.S. Case No.120 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction learned Additional Sessions Judge-II-cum- Special



Judge, Excise Act, Madhubani/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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