

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62587 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Md. Salim Son of Azim Miyan R/O Village- South Biha, Chausa, Ward No- 8,
P.S- Mufassil, Chausa, District- Buxar (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ravi Kumar, Advocate
For the State	:	Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

The petitioner seeks bail in connection with Durgawati P.S. Case No.73 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise(Amendment) Act.

The accused/petitioner is named in the F.I.R. and is in custody since 06.08.2022.

The allegation against the petitioner is to be in illegal possession of illicit liquor, where, there was recovery of 691.20



litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was implicated in the present case only for the technical reason as still registration certificate of the vehicle stands with the name of petitioner, though alleged vehicle was sold long back in the year 2017 itself, in favour of one, Anees Rayeen. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, 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.

In view of the facts and circumstances as mentioned above, admittedly recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner, where implication is only due to registration certificate of the alleged vehicle coupled with the fact that chargesheet has been submitted, let above named petitioner directed to be released on bail in connection with Durgawati P.S. Case No.73 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



Special Judge, Excise No.2-cum-Additional District Judge-VII,
Kaimur at Bhabhua/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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