

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61172 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

=====

Shokat Ali @ Shaukat Ali Son of Md. Nazir Resident of Dusanu, Ward No- 4,
P.S- Riyasi, Dist- Udhampur (Jammu and Kashmir)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rashmi Kinjalk, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, 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 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 Case No. C2A

No. 01 of 2022 registered for the offence under Sections 30(a), 32(1),

32(3), 41(1) and 41(2) the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the prosecution report

and is in custody since 01.01.2022.

The allegation against the petitioner is to be engaged in

illegal trading/manufacturing of illicit liquor, where, there is recovery

of 4147 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was the driver of the alleged vehicle from where illicit liquor was alleged to be recovered, where nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge to have in consignment of illicit liquor and, as such, it can be safely gathered that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Case No. C2A No. 01 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 Special Judge Excise-II, Excise Court-cum-Additional District and Sessions Judge, Hajipur, Vaishali/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

