

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64048 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- BISHWAMBHARPUR District-
Gopalganj

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Fazre Imam @ Mojahid Ali @ Fajare Imam @ Mujahid Ali Son of Faudar
Miyani R/v- Semra Purab Tola, Ward No. 10, P.S.- Gopalganj Town, District-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 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
Bishambharpur P. S. Case No. 135 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 18.08.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 223 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is 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 possession of consignment of illicit liquor and as such it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of this petitioner, who is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bishambharpur P. S. Case No. 135 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 Court of Additional District and Sessions Judge- IV-cum-Special Judge Excise Court-II, Gopalganj/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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