

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10990 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- BALIA BELON District- Katihar

Md. Sannu @ Md. Sanaur Alam S/O Khalilur Rahman R/O Village-
Nauranga, P.S- Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Balia Belon P.S. Case No. 148 of 2022 registered under section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 191.7 liters of country made liquor from a tempo and this petitioner was present at the place of driving seat in the said vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner and he has no concern with the



seized illicit liquor. It is also submitted that only for the reason that the vehicle in question belongs to the petitioner and the co-accused persons had hired the same on the pretext of carrying puffed rice. No independent witness has supported the factum of the alleged occurrence. During investigation, no any cogent material came against the petitioner to implicate in this case. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 27.11.2022.

The application for bail is opposed by learned APP for the State and submitted that the petitioner has been arrested on spot with the said vehicle by the police where the recovery has been made.

The petitioner is directed to deposit a sum of Rs. 10,000/- (Rs. Ten Thousand) in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Balia Belon P.S. Case No. 148 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 the learned Exclusive Special Judge, Excise Court No. I, Katihar.

The bail bonds of the petitioner shall be accepted by the learned lower Court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten Thousand) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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