

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17225 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- GALGALIYA District- Kishanganj

Md. Munna Khan @ Muna Kawari @ Munna Khan S/O Md. Khan R/O
Village- Lakaridepur, P.S- Galgalia, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dineshwar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Galgaliya
P.S. Case No. 55 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and
under Sections 8(c) and 21(b) of the N.D.P.S. Act, 1985.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.12.2022.

The allegation against the petitioner is to have in
possession of 68.10 grams of brown sugar and also 750ml of
illicit liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery of illicit liquor and brown sugar were made from the shop of this petitioner, which is accessible by general public and, as such, it cannot be said that alleged recovery of illicit liquor and contraband were made from conscious physical possession of this petitioner. It is submitted that the recovered quantity of brown sugar is less than commercial quantity and, as such, rigorous provision of Section 37 of the N.D.P.S. Act not appears to be applicable in present case. It is also pointed out that similarly situated co-accused persons, namely, Md. Khan and Sagira Khatun have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 5384 of 2023 vide order dated 13.04.2023. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been 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 and contraband i.e., brown sugar not appears to be made from conscious physical possession of this petitioner, where brown sugar appears less



than commercial quantity, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 13.12.2022, accordingly, the above named petitioner is directed to be released on bail in connection with Galgaliya P.S. Case No. 55 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 A.D.J-II-cum-Special Judge (Excise)-1, Kishanganj, Bihar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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

