

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 18210 of 2023

Arising Out of PS. Case No.-458 Year-2020 Thana- GARKHA District- Saran

MD. MURSHID @ MURSHID ALAM @ MURSHID AJAM Son of Late
Md. Alim R/v- Farasara, P.S.- Dalkhota, District- Uttar Dinajpur, (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 30(a), 36 and 41 of the
Bihar Prohibition and Excise Act.

As per prosecution case, there has been recovery of
3562.5 liters of illegal IMFL from a Truck, Bearing No.
HR55M-9477, which was being driven by other co-accused.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner has neither named in the FIR
nor apprehended on spot. The name of the petitioner has come
into light, on the basis of confessional statement of co-accused
Subodh Kumar and Kanhaiya Kumar Singh, which has got no
evidentiary value in the eyes of law. Petitioner has no concern



either with the seized vehicle or with the liquor. Nothing incriminating article has been recovered from the conscious possession of the petitioner. He further submitted that the others co-accused have already been granted bail by a Co-ordinate Bench vide order dated 05.01.2022/21.01.2022 passed in Cr. Misc. No. 36642 of 2021/40353 of 2021. He is languishing in judicial custody since 23.01.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 2nd -cum- 1st Exclusive Special Judge, Excise, Saran at Chapra/ Concerned Court in connection with Garkha P.S. Case No. 458 of 2020.

(Sunil Kumar Panwar, J)

arish/-

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

