

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15053 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- BALTHAR District- West Champaran

MASOOM ALAM, aged about 20 years, Gender, Male, S/O INTIHAR ALAM @ IMTHAR ALAM R/V- MURLI, P.S.- BALTHAR, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-05-2023

1. Heard learned counsel for the petitioner and the

learned APP for the State.

2. Petitioner seeks regular bail in connection with Balthar P.S. Case No. 149 of 2022 dated 06.12.2022 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of 126 litres of illicit wine and the same has been shown as being recovered from four accused persons including the petitioner and as per the prosecution's allegation only 31.5 litres of said wine was recovered from the conscious possession of this petitioner and petitioner was found in a graveyard with



the alleged wine. Further submissions are that against the petitioner the investigation has been completed and there is no independent witness of the search and seizure of the alleged wine, petitioner has fair and clean antecedent and has been languishing in jail since 06.12.2022 and similarly situated co-accused, Azmat Mian @ Ajam Miyan has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 12544 of 2023.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly petitioner's young age, as mentioned in the petition, his fair and clean antecedent and completion of investigation against him as well as his custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Balthar P.S. Case No. 149 of 2022 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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