

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17506 of 2023

Arising Out of PS. Case No.-280 Year-2020 Thana- BAHERI District- Darbhanga

Murshid Alam S/O LATE MD. AALIM Resident of Village- Falsara, P.S.-
Dalkola, District- Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-07-2023 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 a case registered for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is a case of recovery of total 1809 liter foreign liquor from a truck bearing Registration No. BR01GB-6812 which was driven by Nunu Kumar @ Jitendra Kumar. The allegation against the petitioner is that he was present at the time of loading the liquor in West Bengal.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R. He has falsely been implicated in the present case on the basis of confessional



statement of apprehended co-accused Nunu Kumar @ Jitendra Kumar (driver of the vehicle). The petitioner was not apprehended on the spot and nothing has been recovered from his conscious possession. It is also submitted that petitioner is languishing in judicial custody since 02.11.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Baheri P.S. Case No. 280 of 2020 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 Special Judge-1, Excise Act, Darbhanga.

(Sunil Kumar Panwar, J)

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