

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16050 of 2023

Arising Out of PS. Case No.-132 Year-2020 Thana- GARKHA District- Saran

MD MURSHID @ MURSHID ALAM SON OF LATE MD. ALIM
RESIDENT OF VILLAGE - FARSARA, P.S. - DALKOLA, DISTT. -
UTTAR DINAJPUR (W.B.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

Prosecution case relates to recovery of 5247.36
litres of IMFL from a truck which was being escorted by a
bullet. Driver of the truck, namely Ashok Sahni was
apprehended on spot and he disclosed that the said liquor was
loaded by the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has no concern with the alleged recovery or with the



vehicle in question. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Petitioner is remanded in this case from another case on 23.1.2023.

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

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 2nd Additional Sessions Judge-cum-1st Exclusive Special Judge, Excise, Saran, Chapra in connection with Garkha P.S. Case No. 132 of 2020, Excise S. Tr. No. 355 of 2020.

(Sunil Kumar Panwar, J)

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