

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19372 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- SANOKHAR District- Bhagalpur

Md. Irfan, Son of Late Md. Naseem, R/o- Hajratganj Khankah Road, Ward
no. 32, P.S- Kasimbazar Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sanokhar (Amdanda O.P.) P.S. Case No. 37 of 2023 dated
12.02.2023 registered for the offence punishable under Section
30 (a) of 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 45.750 litres of Indian made foreign liquor from a
motorcycle and as per allegation petitioner was apprehended
with the said motorcycle carrying the alleged wine but there is
no independent witness of the alleged recovery, the provisions
of search and seizure under Section 100 of the Cr.P.C. were not
followed by the police party and the alleged wine was not



recovered from conscious possession of this petitioner and he has been languishing in jail since 13.02.2023 and against him the investigation has been completed and petitioner has been made accused mainly on account of being owner of the alleged motorcycle. Further submission is that against the petitioner there is criminal antecedent of one case in which he is on bail.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly completion of investigation against the petitioner and also the fact that the alleged recovery of wine was made before two police personnel who have been made witnesses of the seizure, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Sanokhar (Amdanda O.P.) P.S. Case No. 37 of 2023 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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