

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25344 of 2023

Arising Out of PS. Case No.-804 Year-2020 Thana- BANKA District- Banka

Murshid Alam @ Md Murshid Alam @ Munna Bhai Son Of Late Md. Alim
R/O Village- Farsara, P.S.- Dalkola, District- Uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 23-08-2023 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 Section 30(a), 32, 34 of the
Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 3126.01
liters of illicit foreign liquor from a Truck bearing registration
No. HR58B3758. The driver and Khalasi of the said Truck
namely Shadab and Omprakash apprehended on the spot who
disclosed the name of the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has falsely been implicated in this case. 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 on the basis of confessional statement of apprehended co-accused Shadab 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. It is further submitted that the petitioner is languishing in judicial custody since 20.12.2022.

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 Additional Session Judge-II, Banka in connection with Banka (Barahat) P.S. Case No. 804 of 2020.

(Sunil Kumar Panwar, J)

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