

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28402 of 2023

Arising Out of PS. Case No.-387 Year-2022 Thana- TEGHRHA District- Begusarai

ABDUL BASHIR S/O MAIMUR SULTAN R/O Village- Madar Gacchi, P.S-
Karandgi, Distt.- Uttar Dinazpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-05-2023 1. Heard learned counsel for the petitioner and
the learned APP for the State.

2. Petitioner seeks regular bail in connection
with Teghra P.S. Case No.387 of 2022 dated 31.12.2022
registered for the offence(s) punishable under Section(s) 30(a)
and 41(1),(2) 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 71.280 litres of english wine from a
tempo and as per allegation this petitioner and four co-accused
persons were found sitting in the said tempo at the time of
recovery but in fact the petitioner was bonafidely present in the
said tempo as a passenger and he was neither owner nor driver
of the said tempo and the alleged wine was not recovered from
his conscious possession and he has been languishing in jail



since 01.01.2023 and against him the investigation has been completed. Further submissions are that against the petitioner there is criminal antecedent of one case in which he is on bail and one co-accused namely Udgar Yadav carrying similar nature of allegation has been granted bail by a Co-ordinate Bench of this Court vide order passed in Cr. Misc. No.20039 of 2023.

4. Per contra, learned APP appearing for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record and also the completion of investigation against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, let the petitioner named-above be enlarged on bail in connection with Teghra P.S. Case No.387 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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