

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28088 of 2023

Arising Out of PS. Case No.-400 Year-2023 Thana- PHULWARISHARIF District- Patna

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Sameer Khan S/o Jamrudin Khan @ Samrudin Khan R/o village-Khoja Imli,
P.S.-Phulwari Sharif, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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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. Learned counsel for the petitioner is permitted to make
necessary correction in the paragraph no.15 of the petition with
regard to the date since when the petitioner has been languishing
in jail in the course of the day.
3. Petitioner seeks regular bail in connection with Phulwari
Sharif P.S. Case No. 400 of 2023 dated 15.03.2023 registered
for the offences punishable under Sections 30(a), 56 and 41 of
Bihar Prohibition and Excise Act.
4. The main submissions advanced by learned counsel for
petitioner are that the instant matter relates to the recovery of
87.375 litres of foreign liquor and the same is stated to have
been recovered from a Sumo Victa vehicle and as per allegation

this petitioner was arrested at the spot and two co-accused persons managed to escape but in actual the petitioner was bonafidely standing at the place of recovery and he was arrested on suspicion and he has no concern with the seized vehicle as well as the alleged wine and on the seizure list there is no signature of petitioner which also casts a serious doubt upon the recovery of the alleged wine which is stated to have been made from the possession of this petitioner. Further submissions are that the alleged recovery of the wine was made before two police personnel who have been made the witnesses of the seizure and the petitioner is neither the owner nor driver of the alleged vehicle from which the alleged liquor was recovered and he has fair and clean antecedent and has been languishing in jail since 16.03.2023 and against him the investigation has been completed.

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

6. 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.

7. Accordingly, let the petitioner named-above be enlarged on bail in connection with **Phulwari Sharif P.S. Case No. 400 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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