

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40578 of 2023

Arising Out of PS. Case No.-45 Year-2020 Thana- NASRIGANJ District- Rohtas

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MOHAMMAD FAIZ ALAM ANSARI @ GUDDU KUMAR Son of Md.
Mustaque Ali @ Md. Mustaque Resident of village - Belwahi, P.S. - Karakat,
Distt. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period of
four weeks from today.

3. The petitioner seeks bail in connection with Nasriganj
P.S. Case No. 45 of 2020 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is in
custody since 27.02.2023.

5. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 282.420 litres of IMFL/country made liquor from the alleged
vehicle.

6. Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor made from a vehicle,



which was jointly occupied by other co-accused persons and it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Nasriganj P.S. Case No. 45 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2-cum-Additional District and Sessions Judge, Rohtas at Sassaram/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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