

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41018 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- JOGBANI District- Araria

1. Noor Alam @ Mangla Mian Son Of Late Shivajee Mian Resident Of Village - Islampur, Ward No.- 6, P.S.- Jogbani, District - Araria.
2. Md. Nanhe Alam @ Sajjad Alam @ Md. Nanha Son Of Late Md. Abbas Resident Of Village - Ahmadpur Purana, Ward No.- 17, P.S.- Jogbani, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-07-2023 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with
Jogbani P.S. Case No. 126 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

4. The accused/petitioners are named in the F.I.R. and
are in custody since 19.05.2023.

5. The allegation against the petitioners is to be
engaged in illegal trading/manufacturing of illicit liquor, where,



there is recovery of 1.5 litres of Cough Syrup, where recovery from petitioner no. 1 shown as 0.9 litres and recovery from petitioner no. 2 shown as 0.6 litres.

6. Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged cough syrup was made from open place i.e. in front of door of the house of petitioner no. 1. It is further submitted that just to aggravate the allegation, the recovery of 0.6 litres of cough syrup was shown from the hand of petitioner no. 2. It is submitted that implication is not under the provisions of NDPS Act. While concluding the argument, it is submitted that petitioner no. 1 found involved in three more criminal cases and petitioner no. 2 found involved in one more criminal case, where both petitioners are on bail, and moreover, investigation of this case is 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 and by taking note of nature of allegation, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 19.05.2023, accordingly, petitioners above named, are directed to be released on bail in



connection with Jogbani P.S. Case No. 126 of 2023 on
furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)
each with two sureties of the like amount each to the satisfaction
of learned Exclusive Special Judge Excise-II, Araria/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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