

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40534 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- PRANPUR District- Katihar

Rabiul Islam Son Of Sale Rafikul Islam Resident Of Village- Sahajadpur
(SAJATPUR), Ps- Gazole, District- Malda (WEST Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

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

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 Pranpur
(Roshna) P.S. Case No. 52 of 2023 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 18.03.2023.

5. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 169.2 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 18.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Pranpur (Roshna) P.S. Case No. 52 of 2023 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 Additional District and Sessions Judge-cum-Exclusive Special (Excise) Judge Court No. 2, Katihar/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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