

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43091 of 2023

Arising Out of PS. Case No.-676 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

Munazir Son Of Aazad Alam Resident Of Village- Milik Tola, Ward No. 12,
Chakai, Ps- Jokihat, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ziaul Quamar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Kishanganj Madya Nisedh (Excise) P.S. Case No. 676 of 2023
registered for the offence under Sections 30(a) and 32 (3) of the
Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 10.05.2023.

4. The allegation against the petitioner is to be



engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 189 litres of IMFL.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver of the alleged vehicle from where illicit liquor was recovered and moreover, nothing surfaced during course of investigation which may suggest that petitioner was under knowledge to have consignment of illicit liquor and admittedly recovery of illicit liquor was not made from physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the conscious physical possession of the petitioner and implication in the present case is only being the driver of vehicle, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 10.05.2023, let the petitioner, above named, is directed to be released on bail in



connection with Kishanganj Madya Nisedh (Excise) P.S. Case No. 676 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge (Excise), Kishanganj/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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