

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44497 of 2023

Arising Out of PS. Case No.-257 Year-2023 Thana- KATIHAR NAGAR District- Katihar

1. Saddam Son of Shekh Tahir Village- Jhirwa Purwari Ps- Simraha Dist- Araria
2. Md. Ibrar Khan @ Ibrar Khan Son of Shekh Md. Habib Khan Village- Sadbaily Ps- Kasba Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 31-07-2023 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 Katihar
Town P.S. Case No. 257 of 2023 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The accused/petitioners are named in the F.I.R. and
are in custody since 11.04.2023.

5. The allegation against the petitioners is to be
engaged in illegal trading/manufacturing of illicit liquor, where, there
is recovery of 503.280 litres of IMFL/country made liquor from the



vehicle.

6. Learned counsel appearing on behalf of the petitioners submitted that the petitioner no. 1 is the driver and petitioner no. 2 is the helper/co-driver of the alleged pickup van, from where alleged illicit liquor appears to be recovered, where during the course of investigation nothing incriminating surfaced against the petitioners, which may suggest that both petitioners were aware about carrying consignment of illicit liquor and as such, it can be safely gathered that recovery of alleged illicit liquor not appears to be made from conscious physical possession of these petitioners, who are men of clean antecedent. While concluding the argument, it has been submitted that 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 implication of petitioners appears only being driver and co-driver/helper of the alleged vehicle coupled with the fact that charge-sheet has already submitted, where both petitioners are in custody since 11.04.2023, accordingly, both above named petitioners are directed to be released on bail in connection with Katihar Town P.S. Case No. 257 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 Exclusive



Special Judge Excise 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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