

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62188 of 2023**

Arising Out of PS. Case No.-153 Year-2023 Thana- SOHSARAI District- Nalanda

Md Sarfaraz @ Md. Chand @ Chand @ Md. Jalla Mian @ Jalla Mian S/O  
Late Md. Raquib Khan Resident Of Kaghzi Mullah, Ps. Bihar, Dist. Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Virendra Prasad  
For the Opposite Party/s : Mr.Ramesh Chandra

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      15-09-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for bail in a case registered  
for the offence punishable under Section 30(a), 33 and 41 of the  
Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 420 liters  
spirit from the Bolero Car bearing Registration No. BR-21P-  
0542.

Learned counsel appearing on behalf of the petitioner  
has submitted that petitioner is innocent and has committed no  
offence. The petitioner is not named in the F.I.R. He has been  
remanded in this case by the police from another case Sohsarai  
P.S. Case No. 34 of 2019. He has no concern with the alleged  
recovery of spirit. He is neither owner nor driver of the seized



vehicle. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Petitioner is languishing in judicial custody since 11.08.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 4<sup>th</sup> Additional District and Sessions Judge-cum-Special Judge-II, Biharsharif, Nalanda in connection with Sohsarai P.S. Case No. 153 of 2023.

**(Sunil Kumar Panwar, J)**

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