

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67592 of 2023

Arising Out of PS. Case No.-257 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Shamim Akhtar @ Md. Shamim S/O Late Shekh Khalil R/O Village- Woli
Tola, Ward No. 4, P.S- K.Hat (Madhubani T.O.P), Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 31-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of total 173.365 liters of foreign liquor from the house of the petitioner where from co-accused Rubeda Khatun was arrested who confess the name of petitioner as her husband.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. He has no concern with the alleged



recovery of liquor. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. The other co-accused namely Rubeda Khatoon who was apprehended on the spot has already been enlarged on bail by another coordinate Bench of this Court vide order dated 10.05.2023 passed in Cr. Misc. No. 22109 of 2023. Petitioner is languishing in judicial custody since 16.08.2023.

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

6. 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 Exclusive Special Judge (Excise-1), Purnea in connection with K. Hat P.S. Case No. 257 of 2023.

(Sunil Kumar Panwar, J)

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