

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70703 of 2022

Arising Out of PS. Case No.-306 Year-2020 Thana- BIRPUR District- Supaul

MD. IMTIYAZ @ MD. IMTIYAZ ALAM S/O MAKBUL HUSAIN @ MD.
MAKBUL Resident of Ward No- 10, Near Masjid, Village- Koily, P.S.-
Birpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawaz Shareef, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Birpur (Bhim Nagar O.P.) PS case no. 306 of 2020 instituted
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 381 liters
of illicit liquor from a Safari car.

The learned counsel for the petitioner submits that
the petitioner is innocent, has been falsely implicated in the
present case and is languishing in custody since 21.10.2022. The
learned counsel for the petitioner, by referring to paragraph no.
7 of the present petition, has further submitted that he is not the
owner of the vehicle in question. It is also submitted that only



since the petitioner is an accused in three other similar types of cases, he has been falsely implicated in the present case, however, neither any illicit liquor has been recovered from his conscious possession nor he has been arrested from the spot.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that petitioner is not the owner of the vehicle in question from which illicit liquor has been recovered, he has not been arrested from the spot and no illicit liquor has been recovered from his conscious possession, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Judge, Excise-II, Supaul in connection with Birpur (Bhim Nagar O.P.) PS case no. 306 of 2020.

(Mohit Kumar Shah, J)

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