

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79988 of 2023

Arising Out of PS. Case No.-415 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

MD. SHARUF S/O MD. RAJAK R/O VILLAGE- SHAURIA PASHCHIM
WARD NO. 10, P.S.- SOUR BAZAR, DISTRICT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 30(a), 32(i) (ii) & 41 of the Bihar Prohibition & Excise Act and sections 25(1-b)a, 26, 35 of the Arms Act.

3. The petitioner along with other co-accused are said to have been apprehended by police party with a car bearing bearing registration no. BR11PC-4698 from where, 252.720 liters of India Made Foreign liquor was recovered. One automatic pistol loaded with three live cartridges was also recovered from co-accused Ajit Kumar.

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 present case. The petitioner is only driver of the seized vehicle. He has no concern with the alleged recovery of liquor or arms. No any incriminating article has been recovered from his conscious possession. He is languishing in judicial custody since 7.9.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail and submitted that the petitioner is apprehended on spot with the alleged recovery of illicit.

6. The petitioner, being a driver is directed to deposit a sum of **Rs 5,000/- (Five Thousand)** in the District Legal Services Authority of concerned District.

7. 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 released on bail in connection with Jagdishpur (Goradih) P.S. Case No. 415 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Bhagalpur.

8. The bail bonds of the petitioner shall be accepted



by the learned court below on showing the receipt of deposit of
Rs. 5,000/- (Rs. Five thousand) by the petitioner in the account
of the concerned DLSA.

(Sunil Kumar Panwar, J)

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