

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12949 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- CHAKIA District- East Champaran

Shamsher Alam S/O Chedi Ansari R/O Village- Bahorapur, P.S.- Kasaya,
Dist.- Kushinagar, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Chakia P.S. Case No. 451 of 2023, instituted for the offences punishable under Sections 30(a), 30(d), 34(b), 41(i) and 41(ii) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 2779.38 liters liquor was recovered from two trucks out of which 1425.06 liters liquor was recovered from the truck of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. No incriminating material has been recovered from the conscious



possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is further submitted that the petitioner was co-driver of the seized truck and he has no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 24.12.2023 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chakia P.S. Case No. 451 of 2023.

(Rudra Prakash Mishra, J)

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