

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13771 of 2024

Arising Out of PS. Case No.-1576 Year-2023 Thana- Excise P.S. District- Jamui

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Mohammad Afaq Alam @ Md. Afak Alam Son of Md. Firoz Resident of
Village- Bihat, Ward No. 30, P.S. Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Satya Prakash Parasar, Advocate
For the State : Mr. Suresh Prasad Singh, APP

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

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Jam
P.S. Case No. 1576 of 2023 instituted for the offence under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

3. As per prosecution case, there is recovery of total
169.750 liters of illicit foreign liquor from Auto Bajaj vehicle.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 23-12-2023. Petitioner is
stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. Petitioner has no concern with the alleged recovered liquor. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and clean antecedent of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jam P.S. Case No. 1576 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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