

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23124 of 2024

Arising Out of PS. Case No.-449 Year-2023 Thana- BAISI District- Purnia

Md. Ashfak Alam Son Of Late Md. Noor Alam @ Late Noor Alam Beg
Resident Of Village- Lakripatti Gulabbag Ps- Sadar, Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

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

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

ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Baisi P.S. case No. 449
of 2023 instituted for the offences under Sections 30(a), 41 and
47 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 100 liters
liquor was recovered from the tempo in question. The petitioner
was apprehended at the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and 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 petitioner is driver of the vehicle and he has no knowledge regarding nature of goods kept in the vehicle. Charge-sheet has already been submitted in this case. The petitioner is in custody since 17.11.2023 and has got one criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baisi P.S. case No. 449 of 2023.

(Rudra Prakash Mishra, J)

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