

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39350 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- Sri Nagar District- Purnia

Md. Tosim @ Tosim, aged about 25 years, Male, Son of Md. Sharif, R/o Vill.-
Rahipur, P.S.- Srinagar, Dist.- Purnia.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bidhu Ranjan, Advocate
For the Opposite Party : Mr. Ajay Kumar Jha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Srinagar
P.S. Case No. 10 of 2024 dated 26.03.2024 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. As per prosecution case, total 51.240 litres of foreign
liquor was recovered from the car.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in the
present case. It is submitted that no incriminating article has
been recovered from possession of the petitioner. The petitioner
is not the owner of the car in question from which foreign liquor



was recovered and Md. Asabul @ Arman was driving the said car. The petitioner was on the way to his house on his motorcycle bearing Registration No. BR-11G-3914 but on the basis of the confessional statement of the driver Md. Asabul @ Arman, the petitioner has been arrested by the police which has got no evidentiary value in the eye of law. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 27.03.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise-I), Purnea in connection with Srinagar P.S. Case No. 10 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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