

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45684 of 2024

Arising Out of PS. Case No.-68 Year-2022 Thana- DEODHA District- Madhubani

Javed Akhter, Son of Abdul Jabbar, Resident of Village - Nabi Nagar, P.S. - Chakand, District – Gaya.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Sah, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 4 30-08-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Deodha P.S. Case No. 68 of 2022, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.
3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery 90 litres of IMFL/Nepali liquor



from the motorcycle.

4. Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner is only for the reason that he is the registered owner of the alleged motorcycle bearing registration no. DL75AM8813 from where recovery of alleged illicit liquor was made. It is submitted that in good faith, on the date of occurrence, petitioner provided his motorcycle to his co-villager/friend, namely, Bechan Kamat, who is also co-accused in this case and from whom, recovery of illicit liquor was made. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the



event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Addl. Sessions Judge cum Special Judge, Excise Act, Madhubani/concerned Court, where the case is pending in connection with Deodha P.S. Case No. 68 of 2022 (G.R. No. 1066/2022), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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