

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68503 of 2024

Arising Out of PS. Case No.-536 Year-2022 Thana- FALKA District- Katihar

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Bagan Hembrum @ Begum Hembrum @ Bagan Heembrum, Son of Late
Dubayee Hembrum, R/O- Gobindpur Dira, P.S.- Falka, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-09-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel for

the petitioner and Ms. Veena Kumari Jaiswal, learned APP for

the State.

2. Petitioner seeks regular bail in connection with

Falka P.S. Case No. 536 of 2022 dated 31.12.2022 registered for

the offence punishable under Section 30(a) of the Bihar

Prohibition & Excise Act.

3. Learned counsel appearing for the petitioner

submits that the instant matter relates to the recovery of 40 litres

of illicit country made liquor and the same is stated to have been

recovered from a *maize* field and the petitioner was not arrested

at the spot and nothing as alleged was recovered from his

conscious possession and he was arrested merely on the basis of

suspicion, in fact some other persons are stated to be involved in



the smuggling of the alleged liquor. Learned counsel further submits that all the witnesses are the police officials even though at the alleged place of recovery, several persons gathered but no any independent person was made as seizure list witness and the petitioner has fair and clean antecedent and he has been languishing in jail since 28.06.2024.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly the petitioner’s fair and clean antecedent, and also, the fact that the alleged recovery of liquor was made before official persons even though several persons gathered at the alleged place of recovery, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Falka P.S. Case No. 536 of 2022.

(Shailendra Singh, J)

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