

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7321 of 2026

Arising Out of PS. Case No.-238 Year-2019 Thana- BAISI District- Purnia

Umar Farooque @ Md Farooque S/O Abdur Rahman Res. of Village-
Daulatpur, P.S.- Baisi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate
		Mr. Bidhu Ranjan- Advocate
		Mr. Kumar Rajdeep- Advocate
For the Opposite Party/s :		Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 16-04-2026 1. Heard learned senior counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 272, 273 of the I.P.C. and Sections 30(a), 33, 41 and 47 of the Excise Act.
3. The learned senior counsel for the petitioner submits that the petitioner has antecedent of five cases out of which three cases are under the Excise Act and is in custody since 16.12.2025 and allegation is of recovery of 8000 litres of raw spirit from two different truck.
4. The learned senior counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and is not



the owner of the seized vehicle and he came to be implicated based on confessional statement of Murshid Alam in police custody, which does not have any evidentiary value. It is further submitted that after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on regular bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Baisi P. S. Case No.238 of 2019.

7. The application stands allowed.

(Satyavrat Verma, J)

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