

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10768 of 2022

Arising Out of PS. Case No.-339 Year-2021 Thana- DHANARUA District- Patna

MANOJ CHAUDHARY S/o Late Dukhan Chaudhary Resident of Matadih,
P.S.- Domchat, District- Kodarma, at present resident of Vidyanagar Road No.
03 in the house of Ashok Rai, P.S.- Sukhdev Nagar, Distt.- Ranchi
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Special
Case No. 6414 of 2021, arising out of Dhanarua P.S. Case No.
339 of 2021, registered for the offence under Sections 30(a), 36,
41(i) (ii) of the Bihar Prohibition Excise Amendment) Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.11.2021.

The allegation against the accused/petitioner to drive
a truck loaded with 870.480 litres of foreign made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is the driver of the truck which was loaded with cucumber and foreign made liquor. It is submitted that there is nothing on the record which may connect the petitioner with alleged recovery of illicit foreign made liquor or which may suggest that petitioner was under the knowledge about the consignment. It has been submitted that petitioner is a man of clean antecedent and also that charge-sheet has been submitted and there is no chance of tampering with the evidence.

Learned APP while opposing the prayer for bail fairly conceded that recovery has not been made from the conscious possession of the accused/petitioner.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious possession of the petitioner, coupled with the fact that the charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Special Case No. 6414 of 2021, arising out of Dhanarua P.S. Case No. 339 of 2021, on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Special



Judge, Excise, Patna, subject to the following condition:

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(ii) That one of the bailors shall be the deponent of the present accused/petitioner, who is Rubi Devi, wife of the petitioner.

(Chandra Shekhar Jha, J)

Ranjeet/-

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