

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13041 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Fahim Khan Son of Rahim Khan Resident of Village- Danapur, P.S.-
Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 15-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Excise
Case No. 02 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.01.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
137.160 litre of foreign wine from vehicle.



Learned counsel appearing on behalf of the petitioner submitted that the recovery from a vehicle that petitioner was driver also occupied by other co-accused persons, it cannot be said that recovery is made from conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged vehicle was occupied by the other co-accused persons also.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor from the vehicle it cannot be said that recovery is made from the conscious physical possession of the petitioner, who is driver. It is submitted that petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Excise Case No. 02 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IV-



cum-Special Excise Judge, Court No.2, Gopalganj, subject to
the following conditions:

“(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 of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Ashfak Ahmad, who is the cousin of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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