

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26061 of 2022**

Arising Out of PS. Case No.-87 Year-2022 Thana- RAGHOPUR District- Supaul

Devavardhan Son of Ramesh Kumar Sah @ Ramesh Kumar Resident of  
Village - Tribeniganj, Ward no.11, P.S.- Tribeniganj, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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

2      29-07-2022                      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 Raghopur  
P.S. Case No. 87 of 2022 registered for the offence under  
Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and  
Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 04.03.2022.

The allegation against the petitioner is to have in  
possession of 1991.520 liters of illicit liquor, which was  
recovered from a car.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is the passenger of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that petitioner is aware about the illegal consignment of illicit liquor loaded in the vehicle. It is submitted that recovery of illicit liquor is not from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is the passenger of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Raghopur P.S. Case No. 87 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 Special Judge, Excise Court No.2,  
Supaul/concerned Court, 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  
Ramesh Kumar @ Ramesh Kumar Sah, who  
is the father of the petitioner and deponent of  
the present bail petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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