

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27818 of 2022**

Arising Out of PS. Case No.-109 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

VIKASH PRAJAPATI S/o Tulshi Mahto @ Tulsi Mahto Resident of Village-
Chund Patra Toli, Chund Champinjaria, P.s.- Kudu, District- Lohadaga
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate
For the Opposite Party/s : Ms.Pronoti Singh, APP

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

2 05-08-2022 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. 109 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 25.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 135 litres of IMFL/country made liquor from car.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is driver of the alleged car and recovery was made from the secret space created in a car, from where nothing surfaced during course of investigation to suggest that petitioner was under knowledge to have in possession of illicit liquor. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is driver.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Excise Case No. 109 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 Exclusive Special Excise Court No. 3, Gaya/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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