

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27753 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- SABAUR District- Bhagalpur

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PRABHASH KUMAR RAJAK S/o Sanjay Rajak R/o village- Bari, Digahi,
P.S.- Madhusudanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

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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 Sabour
(Goradih) P.S. Case No. 05 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 05.01.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 117 litres of IMFL/country made liquor from the car.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver and nothing surfaced during course of investigation which may suggest that he was under knowledge to have consignment of illicit liquor. It is submitted that petitioner is a man of clean antecedent, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sabour (Goradih) P.S. Case No. 05 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



Exclusive Excise Court No.2, Bhagalpur/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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