

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27743 of 2022

Arising Out of PS. Case No.-40 Year-2018 Thana- BELDOUR District- Khagaria

RAJESH SAH @ RAJESH SAO S/o Lakhan Sah Resident of Village-
Telouch, P.S.- Chautham, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Opposite Party/s : Md. Aslam Ansari, 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 Beldaur
P.S. Case No. 40 of 2018 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 05.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 122.625 litres of IMFL/country made liquor from
the car.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case, for the simple reason that still the Registration Certificate (RC) of the vehicle stands in the name of the petitioner. It is submitted that vehicle has already been sold to co-accused, namely, Sharwan Kumar Singh long back. It is also submitted that Co-accused, Sharwan Kumar Singh, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 27264 of 2018 order dated 16.05.2018. It is further submitted that this is not a case of recovery of illicit liquor from the possession of the petitioner. While concluding the argument, it has been submitted that 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 recovery of illicit liquor was not made from the physical possession of the petitioner.

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 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 Beldaur P.S. Case No. 40 of 2018 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 Act 2nd, Khagaria/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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