

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30518 of 2022

Arising Out of PS. Case No.-134 Year-2022 Thana- RAJAON District- Banka

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Harpal Singh Son of Surjit Singh R/o Village - Sehansrakhurd, P.S.-
Kukurbada, District - Amritsar (Punjab).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, 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 Rajoun
P.S. Case No. 134 of 2022 registered for the offence under
Sections 272, 273, 120(B), 467, 468, 470 and 471 of the Indian
Penal Code and Sections 30(a), 32(2), 36 and 41(i) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.03.2022.

The allegation against the petitioner is to have in
possession of 2443.5 liters of foreign liquor, which was



recovered from a truck bearing Registration no. UP 11 AT 0725.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver 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 driver 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 Rajoun P.S. Case No. 134 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 Additional District and Sessions Judge-V, Banka/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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