

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29322 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- FULKAHA District- Araria

VIJAY KUMAR Son of Laxman Bahardar Resident of Village - Chararni,
P.O. Tatrabari, P.S. - Tarabari, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Fulkaha P.S.
Case No. 45 of 2022 registered for the offence under Section 30(a),
41(1), 38 of the Bihar Prohibition and Excise (Amendment) Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.04.2022.

The allegation against the petitioner is to have in
possession of 531 liters of country made liquor, which was recovered
from a car.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is a driver of the alleged vehicle from where
illicit liquor was recovered and further submitted that the said vehicle



was jointly occupied by other co-accused persons, it is also submitted that in view of joint occupancy, it cannot be said that recovery of illicit liquor was made from conscious physical possession of the petitioner, who is a man of clean antecedent, it is submitted that investigation in this case is completed for which charge-sheet 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 alleged car was jointly occupied as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Fulkaha P.S. Case No. 45 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 Judge, Excise-II, Araria City/concerned Court, subject to the following conditions as mentioned under Section 437(3) Cr.P.C.

(Chandra Shekhar Jha, J)

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