

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31222 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- TARAIIYA District- Saran

1. Abhinash Rai Son of Shiji Rai Resident of Village - Mahnar Laurichak, P.S. - Mahnar, District - Vaishali.
2. Rajgir Rai Son of Permanand Rai Resident of Village - Hardaspur, P.S. - Patauri, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

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

The petitioners seek bail in connection with Taraiya P.S. Case No. 88 of 2022 registered for the offence under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioners are named in the F.I.R. and are in custody since 23.03.2022.

The allegation against the petitioners is to involve in the illegal trading of illicit liquor, where 1644 liters of English



wine was recovered from two different vehicles.

Learned counsel appearing on behalf of the petitioners submitted that petitioners are the driver and helper of the truck and nothing surfaced during the course of investigation, which may suggest that petitioners were aware about the illegal consignment loaded in the truck. It is submitted that recovery of illicit liquor was not made from the conscious physical possession of the petitioners. While concluding the argument, it is submitted that petitioners are persons 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 for bail, fairly conceded that petitioners are driver and helper of the alleged truck.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor cannot be said from the conscious physical possession of the petitioners, who are the persons of clean antecedent coupled with the fact that chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Taraiya P.S. Case No. 88 of 2022 on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge Excise, Saran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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