

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31201 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- ARWAL District- Jehanabad

Neeraj Kumar @ Niraj Kumar S/o Shyam Sunder Prasad @ Shyam Sunder Prasad Sah Resident of Road no. 06, Krishnapuri, P.S.- Chutia, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel appearing on behalf of the petitioner 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 petitioner seeks bail in connection with Arwal P.S. Case No. 26 of 2022 registered for the offence under Sections 30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 22.01.2022.

The allegation against the petitioner is to have in possession of 54.375 liters of English wine, which was recovered from a car bearing Registration no. JH 01Q 8714.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from a car, which was jointly occupied, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of the petitioner and further nothing surfaced during the course of investigation, which may suggest that petitioner was aware about the illegal consignment loaded in the alleged vehicle. 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 the recovery was made from a jointly occupied vehicle.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor 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 Arwal P.S. Case No. 26 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, Excise, Court No.II, Jehanabad/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

