

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35759 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Ashok Rai Son Of Binda Rai R/O- Vill- Bishanpur Madhaul, P.S.- Mahua,
Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Lal

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-08-2022 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
Kuchaikote P.S. Case No. 153 of 2022 registered for the offence
under Sections 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 05.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 2466 litres of IMFL/country made liquor from the
Truck bearing registration no. HR55S5571.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is a driver of alleged vehicle from which the recovery of illicit liquor was made. It is submitted that nothing surfaced during the course of investigation which may suggest that petitioner was under knowledge to have consignment of illicit liquor and, as such, it cannot be said that the recovery of illicit liquor was made from the conscious physical possession of the petitioner, who is a man of clean antecedent. 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 petitioner is a driver.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Kuchaikote P.S. Case No. 153 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 Sessions Judge-IV-cum-Special Judge, Excise Court-II, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437 (3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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