

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43972 of 2021**

Arising Out of PS. Case No.-16 Year-2019 Thana- MAIRWAN District- Siwan

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RAMESH PRASAD KHARWAR @ RAMESH SINGH Son of Babulal
Prasad Resident of Village- Khaira, P.S.- Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-09-2022 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 Mairwa
P.S. Case No. 16 of 2019 registered for the offence under
Sections 272/273/308 and 34 of the I.P.C. and Sections 30(a),
38(i) 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 28.06.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
4557.6 litres of illicit IMFL.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither driver nor owner or connect in any manner with the alleged truck, from where, recovery of illicit liquor was made. It is also submitted that name of the petitioner surfaced on the basis of secret input, purely on the basis of suspicion. It is also submitted that it is not a case of recovery from conscious physical possession of the petitioner. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was not made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Mairwa P.S. Case No. 16 of 2019 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 2nd -cum-Special Judge (Excise), Siwan /concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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