

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34679 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- RAMPUR District- Gaya

KINDEV PRASAD @ KINDEO SAH Son of Late Jaglal Sav Resident of
Village - Dhasrailla, Dhankharaiya, Ward no.02, P.s.- Harsidhi, Distt.- East
Champaran (Motihari).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-08-2022 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 Rampur
P.S. Case No. 234 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and
414, 472, 420 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 200 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Saheb Ansari, who is driver of the alleged vehicle and admittedly, it is not a case of recovery of alleged illicit liquor from conscious physical possession of the petitioner. It has been submitted that investigation is complete, where charge-sheet has been submitted.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the conscious physical possession of the petitioner 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 Rampur P.S. Case No. 234 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No.1, Gaya/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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