

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36058 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- BALRAMPUR District- Katihar

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Lagan Kumar Mandal S/o Sri Mahendra Das Resident of Village- Patraha,
Parmukh Tola, P.S.- Barara Kothi, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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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

Balrampur P.S. Case No. 91 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 05.06.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 609.250 litres of IMFL/country made liquor from
the Magic Pick Up Van bearing registration no. BR-11GC/6054.



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

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor cannot be said to be recovered 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 Balrampur P.S. Case No. 91 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 the Learned-II Additional Sessions Judge-cum-



Exclusive Special Judge Excise Court No.-1, Katihar/concerned
court, subject to the conditions as mentioned under Section 437
(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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