

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38086 of 2022

Arising Out of PS. Case No.-112 Year-2021 Thana- PARSA District- Saran

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Rahul Tewari @ Rahul Tiwary Son of Ramesh Tewari Resident of - House
No.- 3, Dilkhusa, S.T. Park, Circus Avenue, P.S.- Karaya, District - Kolkata -
700017 (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prachi Pallavi

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 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 Parsa P.S.
Case No. 112 of 2021 registered for the offence under Sections
240, 467, 468, 470, 120(B) of the Indian Penal Code and under
Sections 30, 30(a), 33, 38 and 41 of the Bihar Prohibition and
Excise Act, 2018.



The accused/petitioner is not named in the F.I.R. and is in custody since 27.05.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 4515 litres spirit from the alleged Truck.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner nor the driver of the alleged vehicle from where alleged illicit spirit was recovered. It is further submitted that the petitioner is not named in the F.I.R., his name surfaced in present case during the course of investigation almost after one year on the disclosure made by co-accused, where nothing surfaced during the course of investigation which may connect the petitioner, *prima facie*, with alleged recovery of illicit spirit.

Learned APP, while opposing the prayer of bail, fairly conceded that the petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as recovery of alleged spirit was not made from conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Parsa P.S. Case No. 112 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 2nd Exclusive Special Excise Court, Saran at Chapra/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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