

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41170 of 2022

Arising Out of PS. Case No.-261 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Rajesh Kumar Son of Kailesh Rai R/O- Vill- Majipur Gardhochak Kirpal
Tola, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-08-2022 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 Excise P.S.
Case No. 261 of 2022 registered for the offence under Sections 30(a)
and 56(b) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.05.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 123.45 litres of IMFL/country made liquor from the place of
occurrence.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is the driver of the alleged vehicle from where illicit liquor was recovered. It is further submitted that nothing surfaced during the course of investigation which may suggest that petitioner was under knowledge to have in possession of illicit liquor and, as such, it cannot be said to be recovered from conscious physical possession of the petitioner, who is a man of clean antecedent. It has been submitted that investigation is complete, as such, there is no chance of tampering with the evidence.

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, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 261 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 Exclusive Excise Court-No.-3, Gaya/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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