

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40606 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- SASARAM RAIL P.S. District- Gaya

Ankur Jain Son of Akhilesh Jain Resident of Ward No.- 9 Dalmianagar, P.S.-
Dalmianagar, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Sinha, Advocate
For the State	:	Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Rail
Sasaram P.S. Case No. 74 of 2022 registered for the offence
under Section 30(A) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

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



custody since 25.04.2022.

The allegation against the petitioner is to involve in illegal trading of illicit liquor, where 141.060 liters of illicit liquor was recovered from goods train.

Learned counsel appearing on behalf of the petitioner submitted that the recovery of illicit liquor was made from wagon of goods train, which is not connected with the petitioner in any manner. It is submitted that admittedly, this is not a case of recovery of illicit liquor from the physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery was made from wagon of goods train, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Rail
Sasaram P.S. Case No. 74 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 Special
Excise Judge, Court No.2, Gaya/concerned Court, subject to the
conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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