

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42396 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- RAJPUR District- Rohtas

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DHARMENDRA KUMAR S/o Krishna Prasad R/o Village- Rajpur, P.S.-
Rajpur, District- Rohtas at Sasaram Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr.Manoj 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 Rajpur
P.S. Case No. 63 of 2022 registered for the offence under
Section 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 23.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 135 litres of IMFL/country made liquor from the
alleged vehicle.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of illicit liquor was made from jointly
occupied motorcycle and, as such, it cannot be said that same



was recovered from the conscious physical possession of the petitioner. It is also submitted that petitioner is not connected in any manner with the alleged motorcycle. It is submitted that petitioner is a man of clean antecedent and moreover, 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, who is a man of clean antecedent 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 Rajpur P.S. Case No. 63 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 13th Additional Sessions Judge-cum-Exclusive Special Excise Court-II, Rohtas at Saran/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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