

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47279 of 2022**

Arising Out of PS. Case No.-347 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Rau Ram Son of Toga Ram R/O Village- Sanawara, P.S.- Barmer, District-
Barmer (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 19-09-2022 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 Mohania
P.S. Case No. 347 of 2022 registered for the offence under
Sections 30(a), 36, 41(i) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 3970.440 litres of illicit IMFL /country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is the driver of alleged truck from where illicit liquor was recovered. It is further submitted that nothing incriminating surfaced during the course of investigation which may suggest that petitioner was in knowledge to carry consignment of alleged illicit liquor and as such it cannot be said that recovery of illicit liquor was made from conscious physical possession of this petitioner, who is a man of clean antecedent and it has been categorically submitted that investigation of this case has been completed, for which, charge-sheet has been submitted on 30.08.2022, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor cannot be said to be made from conscious physical possession of this 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 Mohania P.S. Case No. 347 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 Additional Sessions Judge-2nd-cum-Spl. Judge, Kaimur at Bhabua/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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