

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45224 of 2022**

Arising Out of PS. Case No.-162 Year-2022 Thana- KEWATI District- Darbhanga

Munna Kumar Son of Raj Kumar Sah Resident of village - Bhairpatti, P.S.-
Bahadurpur, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 09-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Keoti P.S.
Case No. 162 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.06.2022.



The allegation against the petitioner is to have in possession of 180 liters of illicit liquor was recovered from a vehicle bearing Registration no. DL 9 CJ 5238.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was the driver of the vehicle and nothing surfaced during the course of investigation, which may suggest that petitioner was aware about the illegal consignment of illicit liquor kept in the vehicle. It is further submitted that this is not a case of recovery of illicit liquor from the conscious 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 opposes the prayer of bail.

In view of 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 Keoti P.S.



Case No. 162 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 Special Judge-I, Excise Act,
Darbhanga/concerned Court, subject to the conditions as laid
down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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