

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45720 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Sharwan Kumar Son of Rameshwar Rai @ Chinni Rai Resident of Village -
Daud Nagar, P.S.- Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Soban Asghar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 26-09-2022 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 Hajipur
Excise P.S. Case No. 109 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 04.07.2022.

The allegation against the petitioner is to be



engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 20 litres of illicit IMFL /country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from road and not from the conscious physical possession. It is further submitted that alleged bag is not connected with petitioner and as such it cannot be said that recovery of illicit liquor was made from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that investigation of this case has been completed, for which charge-sheet has been submitted, 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 alleged 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 Hajipur Excise P.S. Case No. 109 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
Court No. 2-cum-Additional District and Sessions Judge,
Hajipur at Vaishali/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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