

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45703 of 2022

Arising Out of PS. Case No.-436 Year-2021 Thana- FORBESGANJ District- Araria

=====

Rambabu Mukhiya Son Of Late Dahu Mukhiya R/O Village- Jaynagar, Bazar
Samiti, Ghatbar Tola, P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-09-2022 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

Forbesganj (Simraha) P.S. Case No. 436 of 2021 registered for
the offence under Sections 30(a) and 38(i) of the Bihar
Prohibition and Excise Act, 2018.

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

custody since 20.06.2021.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 594 litres of IMFL/country made liquor from pickup van.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was co-passenger of the alleged pickup van from where alleged illicit liquor was recovered. It is submitted that petitioner took lift for a local destination and had no knowledge of the fact that alleged pickup van was loaded with illicit liquor, where petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation is complete, where charge-sheet has been submitted, 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 illicit liquor was not 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 Forbesganj (Simraha) P.S. Case No. 436 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Session Judge-



cum-Special Judge, (Excise Act), Araria/concerned court,
subject to the conditions as mentioned under Section 437(3) of
Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

