

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46210 of 2022

Arising Out of PS. Case No.-283 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

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JAMSHED KHAN Son of Jamaludin Resident of Village - Gundwas, P.S. Hasanpur, District - Palwal (Hariyana) At present resident of House No. 207 Near B.N. Public School Bhadkal, Hariyana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2022 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. 283 of 2022 registered for the offence under
Sections 30(a), 32(i)(iv), 36 and 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 01.06.2022.

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



recovery of 2323.36 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of the alleged vehicle, where alleged illicit liquor was recovered. It is submitted that nothing surfaced during course of investigation which may suggest that he was under knowledge about the illegal consignment of illicit liquor, as such, it cannot said to be recovered from conscious physical possession of the petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation 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 alleged recovery of illicit liquor not appears to be made from 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 Mohania P.S. Case No. 283 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 Session Judge II – cum-Special Judge Excise Kaimur at Bhabua/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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