

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46212 of 2022**

Arising Out of PS. Case No.-228 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Saran

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Dasharath @ Dashrat Son Of Ajay Pandit R/O Village- Digha Asiana,  
Ghurdaur, Road No.2, Police Station - Rajeev Nagar, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rameshwar Singh, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, 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 Saran  
Excise Case No. 228 of 2022 registered for the offence under  
Sections 30(a) and 32(3) of the Bihar Prohibition and Excise  
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 22.06.2022.

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



recovery of 182.160 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was co-passenger of the alleged vehicle, from where illicit liquor was recovered, who took a lift for a local destination, as such, it cannot be said that recovery was made from conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it has been categorically submitted that investigation of this 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 was not 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 Saran Excise Case No. 228 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 2<sup>nd</sup> –cum– Special Judge 1<sup>st</sup> Excise Chapra, Saran/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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