

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47281 of 2022

Arising Out of PS. Case No.-189 Year-2018 Thana- GOGRI District- Khagaria

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BIRAN SINGH @ BIRAN KUMAR Son of Jay Prakash Yadav Resident of
Village - Bahuchakla, P.S.- Pasraha, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-09-2022 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 Gogari
P.S. Case No. 189 of 2018 registered for the offence under
Sections 30(a) and 41(i) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 27.05.2022.

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



was recovery of 906.84 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither the owner nor the driver of the alleged pickup van, and also not connected, in any manner. It is submitted that this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. It is further submitted that petitioner has been implicated in this case, only for the reason, that one mobile phone, which was registered in the name of his wife who is living separately from long time, found in the alleged truck. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation of this case is complete, for which, 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 Gogari P.S. Case No. 189 of 2018 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 Excise Judge, 1st Khagaria/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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