

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47908 of 2022**

Arising Out of PS. Case No.-88 Year-2022 Thana-
GOVERNMENT OFFICIAL COMP. District- Gopalganj

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Prakash Kumar Upadhyay Son of Brajkishore Upadhyay
Resident of Village - Gariba, P.s.- Paru, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA
SHEKHAR JHA**

ORAL ORDER

2 20-09-
 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
Gopalganj Excise P.S. Case No. 88 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 17.07.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 104.260 litres of illicit IMFL /country made liquor from the dicky of the car.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the dicky of the car where, nothing incriminating surfaced during the course of investigation that petitioner was under knowledge to carry alleged illicit liquor. Petitioner is a man of clean antecedent and moreover, it is categorically stated that investigation of this case has been completed, 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 alleged illicit liquor cannot be said to be made from conscious physical possession of this 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 Gopalganj
Excise P.S. Case No. 88 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 District
and Session Judge-IV, cum Special Judge, Excise Court,
Gopalganj/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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