

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48853 of 2022

Arising Out of PS. Case No.-304 Year-2022 Thana- KATEYA District- Gopalganj

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Prawin Singh @ Dhan Singh Son of Ajeet Singh R/V- Pachbeniya, P.S-
Asawe, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP
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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-09-2022 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 Kateya P.S.
Case No. 304 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 09.07.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 236.160 litres of illicit IMFL/country made liquor from
the Maruti Suzuki Car.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is a driver of the car, where recovery of



alleged illicit liquor was made from dickey. It is further submitted that nothing incriminating surfaced during the course of investigation which may suggest that petitioner was under knowledge to carry consignment of illicit liquor, and as such it cannot be said that recovery was made from conscious physical possession of this petitioner, who is a man of clean antecedent and moreover, 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 illicit liquor not appears from conscious physical possession of this petitioner 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 Kateya P.S. Case No. 304 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 II-cum-Special Excise Court-I, 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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