

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48987 of 2022

Arising Out of PS. Case No.-324 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Rajesh Kumar Son of Janardhan Prasad Resident of Village - Raitar, P.S.-
Giriak, District - Nalanda, Bihar.

... .. 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. Surendra Kumar, 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 Excise

P.S. Case No. 324 of 2022 registered for the offence under

Sections 30(a) and 56(B) of the Bihar Prohibition and Excise

Act, 2018.

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

custody since 13.06.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 459 litres of IMFL/country made liquor from the



alleged vehicle.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not connected in any manner with alleged Innova vehicle from which illicit liquor was recovered. It is further submitted that the maximum allegation against this petitioner is to act, as a liner, for a smooth passage of car carrying illicit liquor and, as such, admittedly, no illicit liquor was recovered from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and 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 recovery of illicit liquor was not made from the 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 Excise P.S. Case No. 324 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 Exclusive Special Excise Judge III,
Gaya/concerned court, subject to the conditions as mentioned
under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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