

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49879 of 2022

Arising Out of PS. Case No.-195 Year-2022 Thana- JANDAHA District- Vaishali

MANOJ S/o Lakhman Ram Resident of Village- Garal, P.S.- Sadar, District-
Badhmera (Rajasthan)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun, Advocate Mr. Thakur Brajesh Singh, Advocate Ms. Kanika, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-09-2022 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 Jandaha
P.S. Case No. 195 of 2022 registered for the offence under
Sections 420, 467, 468 and 471 of the Indian Penal Code and
Section 30(a)/32/41(i) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.07.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 4401



litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is co-driver and nothing surfaced during course of the investigation, which may suggest that the petitioner was under knowledge of consignment of illicit liquor and as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is further submitted that this petitioner is a man of clean antecedent. It is also submitted that the seizure is disputed, as same is not supported by independent witnesses. While concluding the argument, it is also categorically submitted by learned counsel for the petitioner that investigation of this case has been completed, for which, charge-sheet has already 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 seizure list is disputed as not supported by independent witnesses, where, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jandaha P.S. Case No. 195



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 Court No. 1- Cum-Addl. District and Sessions Judge, Vaishali at Hajipur/ 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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