

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50199 of 2022**

Arising Out of PS. Case No.-376 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

TAIYAB HUSSAIN Son of Navee Rasul Resident of Mohalla - Chauki Hasan
(Chauki Makhdum), P.S.- Tarawara (G.B. Nagar), District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate

For the Opposite Party/s : Mr.APP

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

2 30-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mufassil
P.S. Case No. 376 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 07.07.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 112 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver of the alleged vehicle, from where illicit liquor was recovered and, moreover, nothing surfaced during course of investigation which may suggest that petitioner was under knowledge to have consignment of illicit liquor, denying thereof conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case is complete, where 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 Mufassil P.S. Case No. 376 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 District and Sessions Judge-II-cum-



Special Judge Excise, Siwan/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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