

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50947 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- DARIHAT District- Rohtas

Driver Rohit Yadav S/o Chandrapal singh Resident of Village- Dohara, P.S.-
Atmadpur, District- Agra (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 11-10-2022 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 Darihat
P.S. Case No. 125 of 2022 registered for the offence under
Sections 272, 273, 419, 420, 467, 468, 471, 120(B) of Indian
Penal Code and 30(a), 31, 32(i)(ii), 36, 41 and 45 of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.06.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 2232 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of the alleged truck from where, illicit liquor was alleged to be recovered, where nothing 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. It is further submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, where 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 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 Darihat P.S. Case No. 125 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 2nd Additional



Sessions Judge-I-cum-Exclusive Special Excise Court-I,
Sasaram, Rohtas/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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