

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54621 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Rajan Dikshit Son of Babu Ram Dixit R/V- Mudahardaspur Patna, P.s-
Maigalganj, Dist- Lakhimpur Khiri, State- Uttar pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP 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 Motipur
P.S. Case No. 183 of 2022 registered for the offence under
Sections 467, 468, 471 and 120B of the Indian Penal Code and
Sections 30(a), 32, 36 and 41(1) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.05.2022.

The allegation against the petitioner is to be involved
in illegal trading of illicit liquor, where 1785.975 liters of



foreign liquor was recovered from a bus bearing Registration no. UP 17 T 8272.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the dicky of the bus, where petitioner is helper/co-driver. It is further pointed out that as dicky of the bus was loaded with luggage of several passengers, it is not safe to say that the recovery of illicit liquor was made from the conscious physical possession of the petitioner. It is further submitted that seizure list is also appearing disputed, as same is not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor is not appearing from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Motipur P.S. Case No. 183 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 Special Judge, Excise Court No.II, Muzaffarpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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