

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58151 of 2022**

Arising Out of PS. Case No.-736 Year-2021 Thana- MAHUA District- Vaishali

=====

DEVANAND KUMAR @ DEVA RAI SON OF LATE RAM SOGARTH
RAI R/O VILLAGE- MAHUA RAM RAIS @ MAHUA SINGH RAI, P.S.-
MAHUA, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Pratima Kumari

For the Opposite Party/s : Mr. Surendra Kumar

=====

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

2 18-11-2022 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 Mahua
P.S. Case No. 736 of 2021 registered for the offence under
Sections 30(a), 32(ii), 34(ii), 38(ii) and 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 25.08.2022.

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



3158.370 litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither driver nor owner of the alleged truck and pickup van, from where, recovery of illicit liquor was made. It is further submitted that name of this petitioner surfaced on the basis of secret informant without any connecting evidence. It is also submitted that admittedly, the recovery was not made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted 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 appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner 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 Mahua P.S. Case No. 736 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Additional District and Sessions Judge-II-cum-Special Judge,
Vaishali Hajipur/concerned court, subject to the conditions, as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

