

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59820 of 2022

Arising Out of PS. Case No.-190 Year-2022 Thana- JANDAHA District- Vaishali

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Joga Singh Son of Charan Singh Resident of Village - Kahadu Saheb , P.s.-
Vairwal, Dist.- Taran, Punjab.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-11-2022 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. 190 of 2022 registered for the offence under Sections
420/467/478/414/34 IPC and 30(a)/32/41(ii) of the Bihar Prohibition
and Excise Act, 2018.

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

custody since 26.06.2022.

The allegation against the petitioner is to be engaged in

illegal trading/manufacturing of illicit liquor, where, there was

recovery of 4905 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner

submitted that petitioner was the driver of the alleged truck from

which illicit liquor was alleged to be recovered, where nothing



surfaced during the course of investigation, which may suggest that he was under knowledge to have in possession of consignment of illicit liquor and as such it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent and moreover, 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 alleged illicit liquor not appears to be made from conscious physical possession of this 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 Jandaha P.S. Case No. 190 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-Additional District and Sessions Judge, Vaishali at Hajipur, Bihar/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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