

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56576 of 2022**

Arising Out of PS. Case No.-586 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Kaushal Paswan S/o Dinesh Paswan R/V- Charkradharpur, Distt-
Singhbhum(Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the State : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Excise
P.S. Case No. 586 of 2022 registered for the offence under
Sections 30(a) and 56(b) of Bihar Prohibition and Excise
(Amendment) Act 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.08.2022.



The allegation against the petitioner is to have in possession of 564 liters of foreign liquor, which was recovered from a pick-up van.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was the driver of the vehicle and nothing surfaced during the course of investigation, which may suggest that petitioner was aware about the illegal 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 the petitioner, who is a man of clean antecedent. While concluding the argument, it is submitted that 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 not appears to be made from the conscious physical possession of the petitioner 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 Excise P.S. Case No. 586 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 Excise Court No -3, Gaya/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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