

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56797 of 2022

Arising Out of PS. Case No.-207 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Ballam Kumar Son of Basant Ray @ Vasant Ray R/O Village- Gopalpur
Chaknai, Ward No. 11, P.S.- Bidupur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the State : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-11-2022 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

Case No. 207 of 2022 registered for the offence under Sections

30(a), 32(1), 32(3), 41(1) and 41(2) 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 have in

possession of 1500 Kg of '*Bhang*' powder.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was the driver of the alleged truck from where recovery of '*Bhang*' powder was made, where nothing surfaced during the course of investigation, which may suggest that petitioner was aware about the illegal consignment of '*Bhang*' and, as such, it can be safely gathered that recovery of '*Bhang*' powder was not made from the conscious physical possession of the petitioner. It is further submitted that seizure list appears doubtful being 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 '*Bhang*' powder not appears to be made 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 Excise Case No. 207 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 District and Sessions Judge-cum-Special Judge, Excise-II, Hazipur, Vaishali/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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