

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57326 of 2022

Arising Out of PS. Case No.-270 Year-2022 Thana- RIVILGANJ District- Saran

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Aman Kumar S/O Bhola Prasad Resident of village and P.O.- Arjunpur
Lambhua, P.S.- Lambhua, District- Sultanpur, Uttar Pradesh, At Present
resident of House no. 511/1C, Street No. 1, Shanti Nagar, Ward No.- 72,
Giaspura, Ludhiana, Punjab

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Bibhakar Tiwary, Advocate
For the State : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Rivilganj P.S.
Case No.270 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.08.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was recovery of
587.880 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was driver of the alleged vehicle, from where alleged illicit liquor was recovered. It is submitted that nothing surfaced during the course of investigation, which may suggest that the petitioner was under knowledge to have consignment of illicit liquor, and as such it can be safely gathered that recovered alleged illicit liquor was not made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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, while opposing the prayer for bail, submitted that father of this petitioner is owner of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent 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 Rivilganj P.S. Case No.270 of 2022 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction II Exclusive Special Excise Court Saran, Chapra/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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