

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61362 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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Raju Kumar @ Raj Kumar Son Of Sakal Paswan R/O Prahladpur, Ward No. 10, P.S.- Musahri, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sumit Shekhar Pandey, Advocate
For the State	:	Mr. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

The petitioner seeks bail in connection with Excise P.S. Case No.70 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 11.07.2022.

The allegation against the petitioner is to be in illegal possession of illicit liquor, where, there was recovery of 891



litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was a driver of the alleged vehicle, where nothing surfaced during the course of investigation that he was under knowledge to carry the consignment of illicit liquor, as such, it can be safely gathered that the recovery of alleged illicit liquor not appears to be made from conscious physical possession of the petitioner. It is also 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 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 for bail.

In view of the facts and circumstances as mentioned above as the recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, in the background of doubtful seizure list, where petitioner is a man of clean antecedent coupled with the fact that chargesheet has been submitted, let above named petitioner directed to be released on



bail in connection with Excise P.S. Case No.70 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 Special Excise Judge-II, Khagariya, 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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