

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58154 of 2022

Arising Out of PS. Case No.-464 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Isra Ram Son of Rupa Ram R/V- Saiyo Katala Adel, P.S- Rameshwari
Terminal, Dist- Barmer (Rajstha)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 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 Mohania
P.S. Case No. 464 of 2022 registered for the offence under
Sections 420, 467, 468, 471 and 34 of Indian Penal Code and
Sections 30(a) and 41(i) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.08.2022.

The allegation against the petitioner is to have in



possession of 3969 liters of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was the driver of the alleged vehicle from where illicit liquor was recovered, where nothing surfaced during the course of investigation, which may suggest that petitioner was aware about the illegal consignment of illicit liquor, as alleged and, as such, it can be safely gathered that recovery 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 alleged recovery of illicit liquor 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 Mohania P.S. Case No. 464 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 Judge, Excise
No. 1-cum- Additional District Judge-IV, Kaimur at
Bhabua/concerned Court, subject to the conditions as laid down
u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-
S.Tripathi/-

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