

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59088 of 2022

Arising Out of PS. Case No.-283 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Billu Son of Sardar Singh R/O Village- Joti, P.S.- Kundoli, Distt.- Sonipat
(Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhash, Advocate
For the State	:	Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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. 283 of 2022 registered for the offence under
Sections 30(a), 32(i)(ii), 36 and 41(1) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading of illicit liquor, where there was a recovery of



2323.36 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the co-driver of the alleged vehicle, from where alleged illicit liquor was recovered. It is submitted that nothing surfaced during course of investigation, which may suggest that he was aware about the illegal consignment of illicit liquor, as such, it cannot said that illicit liquor was recovered from conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, moreover, investigation in this case is complete, for which, charge-sheet 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 conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mohania P.S. Case No. 283 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 Additional Sessions Judge-II-cum-Special Judge, Excise, 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)

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