

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57923 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- CHAUTHAM District- Khagaria

MD. JAVED Son of Manjur Alam R/o village - Pararia, Ward No.- 12, P.S.-
Sonbarsa Raj, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap
For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Chautham P.S. Case No. 223 of 2022 registered for the offence
under Sections 30(a), 32(1)(2), 41(1)(2) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
164.70 litres of illicit liquor.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was driver of the alleged vehicle, from where, recovery of illicit liquor was made and nothing surfaced during course of the investigation, which may suggest that the petitioner was under knowledge of consignment of illicit liquor. It is further pointed out by learned counsel that seizure list is not supported by independent witnesses, rather the same is supported by police personnel, which, further create doubt regarding recovery of illicit liquor. 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 of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor 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 Chautham P.S. Case No. 223 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 Exclusive Special Judge Excise 1, Khagaria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

