

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61045 of 2022

Arising Out of PS. Case No.-823 Year-2022 Thana- ARARIA District- Araria

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Sagar Vishwas @ Sagar Biswas S/o Late Digvijay Bishwas @ Dikbijay Biswas R/o Village- Kanki Sahaspur, P.S.- Chakuliya, Distt- Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the State : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-11-2022 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 Araria (Bairgachhi) P.S. Case No. 823 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 25.09.2022.



The allegation against the petitioner is to have in possession of 971.400 liters of foreign liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was the driver of the motorcycle from which alleged recovery of illicit liquor was made, where nothing surfaced during the course of investigation, which may suggest that petitioner was aware about the illegal consignment of illicit liquor and, as such, it be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it is categorically 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 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 Araria (Bairgachhi) P.S.



Case No. 823 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-I, Araria/concerned Court, subject to the conditions as
laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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