

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62588 of 2022**

Arising Out of PS. Case No.-181 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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SAGAR KUMAR SHARMA Son of Rameshwar Mistry Resident of Village -
Harnakund, P.S.- Muffasil Dumka, District - Jharkhand

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Sah, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 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 Banka

Excise Complaint Case No. 181 of 2022 registered for the

offence under Section 30(a) of the Bihar Prohibition and Excise

Act, 2018.

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

custody since 20.09.2022.



The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 442.8 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither owner nor driver of the alleged vehicle from where illicit liquor was recovered, where petitioner took a lift for a local destination and moreover, nothing surfaced during course of investigation which may suggest that petitioner was under knowledge to have consignment of illicit liquor, denying thereof conscious physical possession of the petitioner. It is also submitted that petitioner is a man of clean antecedent.

Learned APP, 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 the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Banka Excise Complaint Case No. 181 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 Chief Judicial Magistrate, Banka/concerned Court, subject to the conditions as



mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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