

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62324 of 2022

Arising Out of PS. Case No.-237 Year-2022 Thana- KOCHAS District- Rohtas

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Durgesh Kumar Son of Ashok Kumar Singh Resident of Village- Lakhanpura,
P.S.- Karahgar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP 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 Kochas
P.S. Case No. 237 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.07.2022.

The allegation against the petitioner is to have in



possession of 164.160 liters of English liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was the driver of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge to have possession of illicit liquor and, as such, it can 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 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 Kochas P.S. Case No. 237 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 Excise Court No.2-
cum-Additional District and Sessions Judge, Rohtas at
Sasaram/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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