

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64029 of 2022

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

=====

Suraj Kumar Rakesh Son of Pappu Rakesh R/V- Bakshi Bandh Road, Dumka,
P.S- Sonwadangal, Dist- Dumka (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

=====

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 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 was
recovery of 442.80 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was the co-driver of the alleged pickup van
from where illicit liquor was alleged to be recovered, where nothing



surfaced during the course of investigation, which may suggest that petitioner was under knowledge to have in possession of consignment of illicit liquor and as such it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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 conscious physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with 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 Additional Sessions Judge-V, Banka/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

Archana/-

(Chandra Shekhar Jha, J)

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

