

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63641 of 2022

Arising Out of PS. Case No.-314 Year-2022 Thana- RIVILGANJ District- Saran

ADITYA KUMAR Son of Mnan Sahni R/v- Shanichari Mandir, P.S.- Bichla
Ghat, District- Balia State- Uttar Pradesh

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranaya Shanker Sinha
For the Opposite Party/s : Mr.Abhay Kumar Roy

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 Rivilganj
P.S. Case No. 314 of 2022 registered for the offence under
Sections 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 01.09.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 673.920 litres of IMFL/country made liquor from
the alleged vehicle.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was the driver of the alleged pick-up van from where illicit liquor was recovered, where nothing incriminating surfaced/recovered during the course of investigation, which may suggest that petitioner was under knowledge to carry consignment of illicit liquor and, as such, it can be safely said that recovery was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been 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 alleged 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 Rivilganj P.S. Case No. 314 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 2nd



Exclusive Special Excise Court, Saran at Chapra/concerned
court, subject to the conditions as mentioned under Section 437
(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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