

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65137 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- PASRAHA District- Khagaria

CHANDAN SINGH S/o Late Ganesh Prasad Singh R/o Village- Vihat
Maksaspur Tola, P.S.- Barauni, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Pasraha
P.S. Case No. 105 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 19.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 1696.86 litres of illicit IMFL/country made
liquor.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of illicit liquor was made from the chains of vehicles, where petitioner was the driver of one of the said vehicles, where nothing surfaced 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 gathered that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is further submitted that similarly situated co-accused persons have already been granted bail by one of the learned Coordinate Bench of this Court through Cr. Misc. No. 52005 of 2022 vide order dated 19.11.2022. It is also submitted that petitioner found involved in 2 more criminal cases, where he is on bail. 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 alleged 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 Pasraha P.S. Case No. 105 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 Special Excise Judge-II, Khagaria/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further condition:

(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

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