

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66416 of 2022

Arising Out of PS. Case No.-57 Year-2020 Thana- JOGBANI District- Araria

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Gautam Rajbhar @ Gotam Son of Late Rajendra Rajbhar R/v- Barhari, Ward
No. - 07, Kamargaon (Part in Singheshwar), Post Office and Police Station-
Singheshwar, District- Madhepura, Pin Code- 852138, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jainendra Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

The petitioner seeks bail in connection with Jogbai P.S.
Case No.57 of 2020 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.08.2022.

The allegation against the petitioner is to be involved



in illegal trading of illicit liquor, where, there was recovery of 1161 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that as petitioner is implicated in the present case only for the reason that he is the owner of alleged pickup van from where, recovery of alleged illicit liquor was made. It is submitted that admittedly 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 of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from conscious physical possession of the petitioner coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Jogbai P.S. Case No.57 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of 2nd



Additional District and Sessions Judge, Special Judge Excise,
Araria/concerned court, subject to the conditions as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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