

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18515 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- KALYANPUR District- Samastipur

Anesh Kumar Son of Mulchand (Moolchand) R/V- Devas, Ward no. 7, PS-
Mahendragarh, Dist- Mahendragarh, Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 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
Kalyanpur P.S. Case No. 243 of 2022 registered for the offence
under Sections 30(a), 32(iii), 36 and 41(i) of the Bihar
Prohibition and Excise Amendment Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 1215 litres of IMFL/country made liquor from the alleged truck.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver of alleged vehicle, where nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge to have in possession of illegal consignment of illicit liquor and, as such, it cannot be said that alleged illicit liquor was recovered from the conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case 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, petitioner is a driver coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 07.08.2022, accordingly, the above named petitioner is directed to be released on bail in connection with Kalyanpur P.S. Case No. 243 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to



the satisfaction of learned Court of Special Excise Judge-I,
Samastipur/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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