

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29554 of 2023**

Arising Out of PS. Case No.-15 Year-2023 Thana- HATHUA District- Gopalganj

Akshaya Rajbhar Son Of Chandrika Rajbhar @ Chandrika Prasad Resident  
Of Village Mudiary P.S. Mairwa District Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Shaheen Begum, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      18-05-2023                      1. Heard learned counsel for the petitioner and the  
learned APP for the State.

2. Petitioner seeks regular bail in connection with  
Hathua P.S. Case No. 15 of 2023 dated 16.01.2023 registered  
for the offences punishable under Sections 30(a) and 41(1) of  
Bihar Prohibition and Excise Act.

3. The main submissions advanced by learned  
counsel for the petitioner are that the instant matter relates to the  
recovery of 85.800 litres of *country made illicit liquor* and the  
same is stated to have been recovered from a car (*Innova*) and as  
per the allegation, this petitioner and two co-accused persons  
were found sitting in the alleged vehicle but in actual, the  
petitioner was present in the said vehicle as its driver and he was  
bonafidely performing his duty as per the instruction of the  
vehicle's owner and he had no knowledge about the alleged



loaded liquor. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 16.01.2023 and against him, the investigation has been completed and one similarly situated co-accused Ashok Kumar Yadav has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 11794/2023.

4. Per Contra, the learned APP for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record and also the completion of investigation against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Hathua P.S. Case No. 15 of 2023.

**(Shailendra Singh, J)**

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