

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30624 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- NIRMALI District- Supaul

Abhishek Kumar Son Of Hari Thakur Resident Of Village- Laukahi @ Lokhi,
Ward No. 05, P.S.- Laukahi @ Lokhi, District- Madhubani.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with S.T.
No. 752 of 2023 arising out of Nirmali P.S. Case No. 42 of 2023
registered for the offence under Sections 411, 413, 420/34 of the
Indian Penal Code and Section 30(a)/45 of the Bihar Prohibition
and Excise Act, 2016.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 27.02.2023.



5. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 324 litres of Nepali Wine from the car.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a driver, where nothing surfaced during the course of investigation, which may suggest that he was aware about the carrying illegal consignment of illicit liquor. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.02.2023, accordingly, petitioner above named, is directed to be released on bail in connection with S.T. No. 752 of 2023 arising out of Nirmali P.S. Case No. 42 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-2, Civil Court, Supaul/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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