

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41914 of 2023**

Arising Out of PS. Case No.-19 Year-2023 Thana- NAYAGAON District- Saran

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Rakesh Kumar @ Dhilu Son of Ram Singh Village Silani Pana Keso Ps
Jhanjjar Sadar District Jhanjjar Hariyana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 24-07-2023 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
Nayagaon P.S. Case No. 19 of 2023 registered for the offence
under Section 30(a)/32(i)(ii)/36/41(i)(ii) of the Bihar Prohibition
and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 09.02.2023.

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



there is recovery of 2349.95 litres of IMFL/country made liquor from alleged vehicle.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a driver, where nothing incriminating surfaced during the course of investigation as to suggest that he was under knowledge to carry consignment of illicit liquor and as such it can be said safely that the alleged recovery of of illicit liquor was not made from 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.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as implication of petitioner appears only being driver of the alleged vehicle, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Nayagaon P.S. Case No. 19 of 2023 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 2nd Exclusive



Special Excise Judge, Saran at Chapra/concerned court, subject
to the conditions as mentioned under Section 437 (3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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