

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41223 of 2023**

Arising Out of PS. Case No.-99 Year-2023 Thana- AMBA District- Aurangabad

Bijay Bhuiyan Son Of Late Parmershwar Bhuiyan Resident Of Village-
Baliya (LOHAR Bigha), Ps- Amba, District- Aurangabad (BIHAR).

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 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 Amba
P.S. Case No. 99 of 2023 registered for the offence under
Section 279 of the Indian Penal Code and Section 30(a) 37 of
the Bihar Prohibition and Excise Act, 2018 and 2022.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 26.04.2023.



5. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is total recovery of 234 litres of IMFL/Country made, where recovery from motorcycle of petitioner is 32 litres.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was the pillion rider and was not aware about the illicit liquor. Nothing appears during the course of investigation which may suggest that petitioner was aware about the illicit liquor being pillion rider. 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 26.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Amba P.S. Case No. 99 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 Special Judge, Excise 1st, Aurangabad (Bihar)/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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