

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43016 of 2023

Arising Out of PS. Case No.-62 Year-2023 Thana- MANJHI District- Saran

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Hanuman Son Of Bhim Giri @ Bhom Giri Resident Of Village- Jakhado Ka
Tala, Ps- Kitnoriya, District- Barmer, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh, Advocate

For the Opposite Party/s: Mr.Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Manjhi
P.S. Case No. 62 of 2023 registered for the offence under
Sections 272, 272, 420 and 120-B of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 04.03.2023.

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



there is recovery of 2312.280 litres of IMFL.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver of the alleged truck from where illicit liquor was recovered and moreover, nothing surfaced during the course of investigation which may suggest that petitioner was under knowledge to have consignment of illicit liquor and as such it can be said safely that recovery of illicit liquor was not made from physical possession of the petitioner and his implication is only being driver of the alleged truck. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 04.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Manjhi P.S. Case No. 62 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 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)

S.Tripathi/-

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