

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43194 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- BYPASS District- Patna

Prakash Kumar @ Prakash Bishnoi Son Of Bhagwan Ray @ Bhagwana Ram
@ Bhagawana Ray Resident Of Chohtan Angore @ Choutan Angor, P.S.-
Choutan @ Chouhtan, District - Warmer, State - (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anil Kumar Singh No.1, APP

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 By
pass P.S. Case No. 201 of 2023 registered for the offence under
Sections 468, 471, 467, 420 and 120-B of the Indian Penal Code
and Sections 30(a), 32 and 41(1) of the Bihar Prohibition and
Excise Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 24.04.2023.

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 3447 litres of IMFL and also to forge



engine/chassis number and also to prepare false challan.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver of the alleged vehicle from where illicit liquor was recovered and moreover, nothing surfaced during course of investigation which may suggest that petitioner was under knowledge to have 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 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 and implication of this petitioner appears only being the driver, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 24.04.2023, let the petitioner, above named, is directed to be released on bail in connection with By pass P.S. Case No. 201 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 Court of Excise, Patna
City/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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