

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41398 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- BHAGWANPUR District- Vaishali

Dena Ram @ Dana Ram @ Chuna Ram Son of Naga Ram @ Padama Ram
R/O Village - Kharchi, P.S.- Ramsar, District - Barmer, State – Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-07-2023 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
Bhagwanpur P.S. Case No. 123 of 2023 registered for the
offence under Sections 30(a), 32(i)(ii), 36 and 41(i)(ii) of the
Bihar Prohibition and Excise Act and under Sections 420, 467,
468, 471, 414, 120-B of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 30.05.2023.

5. The allegation against the petitioner is to be



engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 6199 litres of IMFL/country made liquor from the alleged Truck.

6. Learned counsel appearing on behalf of the petitioner submitted that implication of petitioner is only for the reason that he was the driver of alleged truck carrying consignment of illicit liquor, where nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge to carrying consignment of illicit liquor. It is submitted that in want of knowledge it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner, where petitioner is in custody since 30.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Bhagwanpur P.S. Case No. 123 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 Exclusive Special Excise Court No. 1-
cum-Additional District and Sessions Judge, Vaishali at
Hajipur/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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