

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42261 of 2023

Arising Out of PS. Case No.-354 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Shiv Narayan S/O Amrit Singh R/O Village- Nandana Ps. Ghoshi Dist.
Jehanabad.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 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
Mohania P.S. Case No. 354 of 2023 registered for the offence
under Section 414 of the Indian Penal Code and Section 30(a),
47 of the Bihar Prohibition and Excise (Amendment) Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 27.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 294 litres of IMFL/country made liquor
from the alleged vehicle.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a driver, where nothing surfaced during the course of investigation, which may suggest that he was aware about the carrying illegal consignment of illicit liquor, and as such, it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail, 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, where implication appears only being driver of the alleged vehicle from where illicit liquor was recovered, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Mohania P.S. Case No. 354 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 Spl. Judge Excise no. 1 Cum Additional District Judge,- IV, Kaimur at Bhabhua/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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