

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47448 of 2023**

Arising Out of PS. Case No.-64 Year-2023 Thana- MUFFASIL District- Aurangabad

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Ravi Malakar S/O Rameshwar Malakar R/O Village- Shailwan, Ps.
Madanpur, Dist. Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Prashant, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 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

Muffasil P.S. Case No. 64 of 2023 registered for the offence

under Section 30(a) of the Bihar Excise and Prohibition Act,

2018.

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

in custody since 17.02.2023.

4. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor, where,

there is recovery of 172.8 litres of foreign liquor from the

alleged car bearing registration no. JH01AT7004.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is neither owner and nor connected in any manner with alleged recovery of illicit liquor. It is submitted that petitioner took lift for a local destinations, where nothing surfaced during the course of investigation as to suggest that he was aware about consignment of illicit liquor and, as such, it can be safely said that recovery of alleged illicit liquor was not made from his conscious physical possession. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case of similar nature, where he on bail in four cases and moreover, investigation of this case has been completed, for which, charge-sheet has been 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 and by taking note of the fact as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Muffasil P.S. Case No. 64 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 Special Judge, Excise Court, Aurangabad/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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