

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44026 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- AMNAUR District- Saran

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DHARMENDRA NUT @ DHARMENDRA KUMAR Son of Barel Nut
Resident of Village - Chitkoharapul, P.S.- Sachiwalaye, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Amnour P.S. Case No.72 of 2022 registered for the offence
under Sections 353, 307, 401, 413 and 414 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 14.04.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 290 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is driver of the alleged



Scorpio, from where, recovery of illicit liquor was made and said vehicle was jointly occupied by 08 different persons. It is submitted that nothing surfaced, during course of investigation, to suggest that petitioner being driver was aware about carrying illegal consignment of illicit liquor and as such it can be safely said that alleged recovery of illicit liquor was not made from conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as implication of this petitioner appears being driver only, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 13.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Amnour P.S. Case No.72 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-1st Excise,



Saran at Chapra/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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