

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43825 of 2023

Arising Out of PS. Case No.-211 Year-2023 Thana- RAJAPAKAR District- Vaishali

TULSA RAM Son of Kesu Ram Resident of village - Azad Nagar, Netrau,
P.s. - Chauhatan, Distt. - Barmer (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunal Tiwary, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-07-2023 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 Rajapakar (Baranti O.P.) P.S. Case No. 211 of 2023 registered for the offence under Sections 30(a), 32(ii)(iii), 36 and 41(i)(ii) of the Bihar Prohibition and Excise Act and under Sections 272, 273, 420, 467, 468, 471 and 120-B of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 14.06.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 3862.08 litres of IMFL/country made liquor from the alleged vehicle.

5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor made from a vehicle,



which was jointly occupied by other co-accused persons and it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent 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, as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Rajapakar (Baranti O.P.) P.S. Case No. 211 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 Excise Court No. 2, 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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