

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45586 of 2023**

Arising Out of PS. Case No.-279 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Krishnamohan Bhagat @ Krishanmohan Bhagat Son Of Premchandra Bhagat
Village Daudnagar Chaharo Ward 3 P.S. Bidupur Distict Vaishali (BIHAR).

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Chandra Ojha, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 03-08-2023 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

Prohibition and Excise Thana (P.S.) Vaishali (Hajipur) Case No.

279 of 2023 registered for the offence under Sections 30(a)/32(i)

(iii) and 41(i)(ii) of the Bihar Prohibition and Excise

Amendment Act, 2018.

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

in custody since 18.04.2023.

5. The allegation against the petitioner is to be

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



there is recovery of 100 litres of IMFL/country made liquor from the Tempo.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of the Tempo and alleged recovery of illicit liquor was made from the public carrier i.e. Tempo, which is accessible by general public and it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in one more criminal case of similar nature, 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 was made from public carrier suggesting that recovery 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 18.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Prohibition and Excise Thana (P.S.) Vaishali (Hajipur) Case No. 279 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 Exclusive Special Excise Judge-2 cum-Additional District & 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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