

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46035 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- HAYAGHAT District- Darbhanga

Imran S/O Tarikat R/O Village- Salauni, Ps. Babugarh Chhawani (Kent), Dist.
Hapur (U.P)

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-08-2023 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 Hayaghat P.S. Case No. 69 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 31.05.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 1587.420 litres of IMFL/country made liquor from alleged vehicle.

5. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor appears to be made from beneath bus seat, which is a public carrier and accessible by general public and as such it can be safely said that recovery of alleged illicit liquor was not made



from conscious physical possession of this petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that 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 opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged illicit liquor not appears to be recovered from conscious physical possession of this petitioner, rather from a public carrier like Bus, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 31.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Hayaghat P.S. Case No. 69 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 Court of Exclusive Special Judge-1st (Excise Act), Darbhanga/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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