

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45533 of 2023

Arising Out of PS. Case No.-356 Year-2023 Thana- SAHPUR District- Patna

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Anil Chaudhary Son Of Late Rajendra Chaudhary Resident Of Village -
Raghopur, Ps- Bihta, Distt- Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Madan Kumar, 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 Special
Excise Case No. 1435/2023 arising out of Shahpur P.S. Case
No. 356 of 2023 registered for the offence under Sections 30(a),
41 and 56 of the Bihar Prohibition and Excise Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 23.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 250 litres of IMFL/country made liquor
from the Car.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a driver, where nothing surfaced during the course of investigation, which may suggest that he was aware about the carrying illegal consignment of illicit liquor, and as such, it can be said safely that recovery of alleged illicit liquor not appears to be made from the 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 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 not appears to be made from the conscious physical possession of this petitioner, where implication appears only being driver of the alleged vehicle from where illicit liquor was recovered, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Special Excise Case No. 1435/2023 arising out of Shahpur P.S. Case No. 356 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 Spl. Judge Excise, Danapur/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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