

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46352 of 2023**

Arising Out of PS. Case No.-816 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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TAPAN RAO @TAPAN KUMAR RAW SON OF JAGESHWAR RAO
RESIDENT OF VILLAGE- KARMA, PS- TALJHARI, DISTRICT
-DUMKA, JHARKHAND

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

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

2 07-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Excise Prohibition P.S. Jamui Case No.JAM 816 of 2023
registered for the offence under 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 09.06.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 234 litres of illicit liquor.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is a driver of alleged vehicle, from where, recovery was made, where nothing surfaced during course of investigation, which may suggest that he was under knowledge of carrying consignment of illicit liquor and as such it can be said safely that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is submitted that seizure list is also appearing doubtful, as same is 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, where, he is on bail.

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 only being driver of alleged vehicle, from where, recovery of illicit liquor was made, where, petitioner is in custody since 09.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Excise Prohibition P.S. Jamui Case No.JAM 816 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 Excise



Judge-II, Jamui, Bihar/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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