

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47764 of 2023**

Arising Out of PS. Case No.-570 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.  
District- Siwan

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Rahul Kumar Yadav Son Of Subash Yadav Resident Of Village - Mathia Tola,  
P.S. - Nautan, Distt. - Siwan.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shambhu Prasad Yadav, Advocate  
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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

2      09-08-2023                      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 Excise  
  
Police Station Case No. 570 of 2023 registered for the offence  
  
under Sections 30(a) of the Bihar Prohibition and Excise  
  
Amendment Act, 2022.

4. The accused/petitioner is named in the F.I.R. and is  
  
in custody since 04.06.2023.

5. The allegation against the petitioner is to be  
  
engaged in illegal trading/manufacturing of illicit liquor, where,  
  
there is recovery of 990 litres of IMFL/country made liquor



from the alleged Scorpio.

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 04.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Excise Police Station Case No. 570 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 Court No. 2, Siwan/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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