

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46628 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

PRAKASH KUMAR SON OF RAM KUMAR @ RAM KUMAR SAH
RESIDENT OF VILLAGE- KHATA HAT WARD NO. 13 THANA
JALALGARH DISTRICT PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47056 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

RANJEET SAH S/O CHANDRA SAH @ PREM CHAND SAH R/O
VILLAGE- DARSANA WARD NO. 01 PS. JOKIHAT DIST. ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46628 of 2023)

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 47056 of 2023)

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023

IN CR. MISC. NO.46628 OF 2023

Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Kochadhaman P.S. Case No. 135 of 2023 registered for the
offence under Sections 30(a), 32, 41 and 47 of the Bihar



Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 05.06.2023.

4. The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 322.5 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner is only being driver of alleged vehicle, from where, recovery of illicit liquor was made, 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 nothing surfaced during course of the investigation, which may suggest that this petitioner was under knowledge of consignment of illicit liquor. 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 already submitted, as such, there is no chance of tampering with the evidence.

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 carrying consignment of illicit liquor coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 05.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Kochadhaman P.S. Case No. 135 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 Additional District Judge-II-cum-Special Judge (Excise-1), Kishanganj/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO.47056 OF 2023

Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Kochadhaman P.S. Case No. 135 of 2023 registered for the offence under Sections 30(a), 32, 41 and 47 of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 05.06.2023.

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



of 160.5 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner is only being driver of the alleged vehicle, from where, recovery of illicit liquor was made, 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 nothing surfaced during course of the investigation, which may suggest that this petitioner was under knowledge of consignment of illicit liquor. While concluding the argument, it is submitted that petitioner found involved in 06 more criminal cases, where, he is on bail and moreover, 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 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 carrying consignment of illicit liquor coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 05.06.2023, let the petitioner, above named, is directed to be released on bail in



connection with Kochadhaman P.S. Case No. 135 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 Additional District Judge-II-cum-Special Judge (Excise-1), Kishanganj/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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