

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48446 of 2023**

Arising Out of PS. Case No.-165 Year-2023 Thana- UJIYARPUR District- Samastipur

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JAGDISH JAKHAR @ JAGDISH SON OF MOTA RAM R/O VILLAGE-
BAJRANGPURA DHARASAR P.S. - CHOATAN, DISTRICT- BARMER
(RAJASTHAN)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Md. Matloob Rab, 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. The petitioner seeks bail in connection with Ujiyarpur
P.S. Case No. 165 of 2023 registered for the offence under
Sections 420, 467, 468 and 34 of the Indian Penal Code and
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 13.05.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 5495.04 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the alleged truck, where petitioner is neither the owner nor connected in any manner with the alleged truck and as such it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, where his implication appears only being driver of the alleged truck, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Ujiyarpur P.S. Case No. 165 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 Special Judge, Excise 1, Samastipur/concerned court,
subject to the conditions as mentioned under Section 437 (3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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