

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46792 of 2023

Arising Out of PS. Case No.-352 Year-2023 Thana- PATNA CITY CHOWK District- Patna

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GANGA RAM @ GANGA RAI Son of Murari Prasad Resident of Village -
Mathnital Bhaumari Par, Renter of Santosh Saw, P.S.- Malsalami, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Md. Matloob Rab, 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
Chowk P.S. Case No. 352 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 21.06.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 143.04 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that implication of this petitioner, appears
only for the reason that he was a driver of E-Rickshaw, which



was a public carrier, accessible to general public, as such, it cannot be said that the alleged recovery was made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

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 E-Rickshaw, where, alleged recovery of illicit liquor was not made from conscious physical possession of this petitioner, who is a man of clean antecedent and in custody since 21.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Chowk P.S. Case No. 352 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 Special Judge, Excise, Patna City/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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