

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47411 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- SAKRI District- Madhubani

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VIJAY PASWAN Son of Ashok Paswan Resident of village - Laxmipur, P.S. -
Kaluahi, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore (App.100)

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 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 Sakri P.S.

Case No. 112 of 2023 registered for the offence under Sections
272 and 273 of the Indian Penal Code and under Section 30(a) of
the Bihar Excise and Prohibition Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 08.06.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 135 litres of foreign liquor from the alleged
motorcycle.

5. Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery of illicit liquor was made from



backside of the vehicle suggesting, *prima facie*, that carrying consignment of illicit liquor was not under knowledge of this petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that 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 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 conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Sakri P.S. Case No. 112 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 Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani/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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