

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47848 of 2023

Arising Out of PS. Case No.-328 Year-2023 Thana- TAJPUR District- Samastipur

Dharmendra Kumar Son Of Subhash Chandra Resident Of Village-
Jhingarpur, P.S.- Kurawali, District- Mainpuri (UTTAR Pradesh).

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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. At the outset, learned counsel for the petitioner
submitted that petitioner is in custody since 13.06.2023 but
inadvertently, it has been mentioned in para 13 of the bail
petition that petitioner is in custody since 13.05.2023.

4. Request allowed.

5. Accordingly, learned counsel for the petitioner is
permitted to make necessary correction, during the course of the
day itself.

6. The petitioner seeks bail in connection with Tajpur
P.S. Case No. 328 of 2023 registered for the offence under



Sections 30(a), 41(1), 32(1), 32(2), 36 of the Bihar Prohibition and Excise Act, 2022 (amended).

7. The accused/petitioner is named in the F.I.R. and is in custody since 13.06.2023.

8. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 549 litres of IMFL/country made liquor from the Truck.

9. 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.

10. Learned APP, opposes the prayer of bail.

11. 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 13.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Tajpur (Halai OP) P.S. Case No. 328 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 Court, Special Judge (Excise), Samastipur/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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