

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47398 of 2023

Arising Out of PS. Case No.-463 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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Pankaj Bighaniya Son Of Karmvir Bighaniay R/O-Mangal Colony, Gali No. 04, P.S.-CITY Karnal, Distt.-KARNAL (HARYANA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhash, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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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 Excise (Buxar) P.S. Case No. 463 of 2023 registered for the offence 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 28.05.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 3573 litres of foreign liquor from the alleged truck bearing registration no. HR-45C9487.

5. Learned counsel appearing on behalf of the



petitioner submitted that implication of this petitioner appears only for the reason that he is the driver of vehicle from where alleged consignment of illicit liquor was recovered. It is submitted that nothing surfaced during the course of investigation as to suggest that petitioner was under knowledge to carry consignment of illicit liquor and, as such, it can be safely said that alleged recovery was not made from conscious physical possession 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 and by taking note of the fact 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 28.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Excise (Buxar) P.S. Case No. 463 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 Excise Court No. 2, Buxar/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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