

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48678 of 2023

Arising Out of PS. Case No.-383 Year-2023 Thana- MAHUA District- Vaishali

Thakra Ram Son Of Ganga Ram Resident Of Village - Batadu, P.S. - Gidda,
Distt. - Barmer, State – Rajasthan.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Advocate
For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2023 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. The petitioner seeks bail in connection with Mahua
P.S. Case No. 383 of 2023 registered for the offence under
Sections 272, 273, 420, 467, 120(B), 34 of the Indian Penal
Code and Sections 30(a), 32(ii)(iii), 36, 41(i)(ii) of the Bihar
Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 26.06.2023.



5. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2505.6 litres of IMFL/country made liquor from the alleged truck.

6. 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, where petitioner is a man of clean antecedent.

7. Learned APP, opposes the prayer of bail.

8. 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, where petitioner is in custody since 26.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Mahua P.S. Case No. 383 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 Special Court (Excise)-02-cum-Addl. District and
Sessions Judge, Vaishali at Hajipur/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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