

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48860 of 2023**

Arising Out of PS. Case No.-223 Year-2023 Thana- MADANPUR District- Aurangabad

Dilip Kumar Mehta Son Of Feku Mehta Resident Of Village- Dumraon, Ps-
Ichak, Dist- Hazaribagh (JHARKHAND).

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, 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
Madanpur P.S. Case No. 223 of 2023 registered for the offence
under Sections 30(a), 34 and 36 of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 20.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 2100 litres of spirit 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. 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.

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, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Madanpur P.S. Case No. 223 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, I, Aurangabad (Bihar)/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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