

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60252 of 2023**

Arising Out of PS. Case No.-216 Year-2023 Thana- UJIYARPUR District- Samastipur

DEEPAK JHA @ BHOLA JHA S/O LATE MANOJ JHA VILL
CHANDCHAUR YAZI TOL (CHAND CHAUR YAJI TOL), PS
UJIYARPUR DIST SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-09-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Ujiyarpur P.S. Case No.216 of 2023 registered for the offence
under Sections 30(a) and 41(i)(ii) of the Bihar Prohibition and
Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 16.06.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 1971.72 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that implication of this petitioner is being



driver of the alleged vehicle, where, nothing surfaced, during course of investigation that he was under knowledge regarding consignment of illicit liquor, as such, it can be said safely that the alleged recovery was not made from his conscious physical possession. While concluding the argument, it is submitted that petitioner found involved in 02 more cases, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 16.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Ujiyarpur P.S. Case No.216 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, Samastipur/concerned court, subject to the condition as



mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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