

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5720 of 2023**

Arising Out of PS. Case No.-292 Year-2022 Thana- DIDARGANJ District- Patna

Sudhanshu Rai S/o Banarsi Rai R/O Kachhi Dargah, P.S- Nadi, District-
Patna. Petitioner/S

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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

3 17-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Didarganj
P.S. Case No. 292 of 2022 registered for the offence under
Section 30(a)/36 of the Bihar Prohibition Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.11.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where there is
recovery of 400 litres of country made liquor from the Auto.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor appears to be
made from a public carrier i.e. three wheeler Auto, where



petitioner is a driver and as such, it cannot be said that alleged recovery of illicit liquor was made from his conscious physical possession. 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.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as petitioner is a driver, where vehicle appears a public carrier, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 02.11.2022 accordingly, petitioner above named, is directed to be released on bail in connection with Didarganj P.S. Case No. 292 of 2022 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, Patna City, Patna/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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