

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45532 of 2024

Arising Out of PS. Case No.-531 Year-2023 Thana- BIHTA District- Patna

Sanjay, Son of Rishal @ Rishal Singh, R/o Village- Kharkari, House No 800
Police Station- Bhiwani, District- Bhiwani (Haryana)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 4 30-08-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Bihta P.S. Case No. 531 of 2023, registered for the offences punishable under Sections 30(a), 32(i)(ii), 36, 41(i)(ii), 62 of the Bihar Prohibition and Excise (Amended) Act, 2018.
3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery 2210.62 of IMFL/foreign liquor



from the truck.

4. Learned counsel appearing on behalf of the petitioner submitted that the implication of this petitioner only appears in this case being the owner of the truck, which was found carrying the illicit liquor. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioner being owner was aware about the fact that the truck was involved in carrying of illicit liquor, and as such, therefore, it can be said safely that recovery of illicit liquor was not made from his conscious physical possession. While concluding the argument, it is submitted that petitioner is a man clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as implication of petitioner only appears being owner of the truck, where recovery of illicit liquor appears *prima facie* doubtful from his possession, accordingly, above named petitioner, in the event of his



arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Danapur, Patna/concerned Court, where the case is pending in connection with Bihta P.S. Case No. 531 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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