

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39026 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- MANER District- Patna

Vikash Kumar Son of Kamlesh Prasad @ Amlesh Prasad, Resident of P.S. -
Naubatpur, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Kumari, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 10-06-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned APP appearing on behalf of

the State.
2. The petitioner seeks bail in connection with

Special Excise Case No. 1270/2024 arising out of Maner

police station case no. 228/2024 registered for the

offence under Section 30(a) of Bihar Prohibition and

Excise Act 2018.
3. The accused/petitioner is named in the F.I.R.

and is in custody since 06.04.2024.
4. The allegation against the petitioner is to

have in possession of 61.5 litres of illicit liquor and also



involved in trade connected with illicit liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor appears to be made from a tempo, which is a public carrier, 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. It is further submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of illicit liquor not appears *prima facie* 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 06.04.2024, accordingly, petitioner



above named, is directed to be released on bail in connection with Special Excise Case no. 1270/2024, arising out of Maner P.S. Case no-228 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned the Special Excise Judge, Danapur/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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