

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39911 of 2024

Arising Out of PS. Case No.-255 Year-2024 Thana- Excise P.S. District- Nawada

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Pramod Kumar, Son of Kapil Prasad, Resident of Village-Barhi Bigha, P.S-
Bajirganj, Dist- Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar, Advocate
		Mr. Prakash Chandra, Advocate
For the Opposite Party/s :		Mr.Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 05-07-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.
2. The petitioner seeks bail in connection with Nawada Excise P.S. Case No. 255/2024 registered for the offence under Section 30(a)/47 of the Bihar Prohibition and Excise Act, 2022.
3. The accused/petitioner is named in the F.I.R. and is in custody since 05.04.2024.
4. The allegation against the petitioner is to involve in illegal trade of illicit liquor



alongwith co-accused persons, where total recovery is of 200 litres of country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor appears to be made from the dicky of the vehicle, where petitioner was the driver. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge to carry 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 found involved in one more criminal case, where he is on bail, 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.

6. Learned APP opposes the prayer of



bail.

7. Considering the facts and circumstances as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, where he was a driver, coupled with the fact that charge-sheet has already submitted, accordingly, petitioner above named, is directed to be released on bail in connection with Nawada Excise P.S. Case No. 255/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-2, Nawada/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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