

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40780 of 2024

Arising Out of PS. Case No.-423 Year-2024 Thana- Excise P.S. District- Gaya

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Dilip Ram, S/O Late Suresh Ram R/O Village-Kuraini, P.S. Giriyak, Distt-
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 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
- Excise P.S. Case No:- 423 of 2024 registered for the
- offence under Sections 30(a), 32(3) of Bihar Prohibition
- and Excise Amendment Act 2018.
3. The accused/petitioner is named in the F.I.R.
- and is in custody since 04.04.2024.
4. The allegation against the petitioner is to
- have in possession of 125.64 litres of illicit liquor and
- also involved in related trade.



5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor appears to be made from the pick-up-van, where petitioner was the driver, where nothing surfaced during the course of investigation, which may suggest *prima facie* that petitioner was under knowledge to carry the consignment of illicit liquor and, as such, it can be safely gathered that the alleged recovery was not made from conscious physical possession of this petitioner, who 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 alleged illicit liquor not appears to be recovered *prima facie* from the conscious physical possession of this petitioner, coupled with the fact that



charge-sheet has already submitted, where petitioner is in custody since 04.04.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Excise P.S. case No. 423 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 Exclusive Excise Court No-03, Gaya, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

veena/suruchi-

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