

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39610 of 2024

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

Md. Imteyaz, Son of Md. Badruddin, Resident of Phulwari Sharif Kachhari
Mohalla Indira Nagar Colony Ward No.13, P.S. - Phulwari Sharif, District –
Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramjiban Prasad, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 5 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
- Spl. Excise Case No. 1270 of 2014 arising out of Maner
- P.S. Case No. 228 of 2024 registered for the offence
- under Section 30(a) of the Bihar Prohibition and Excise
- Act.
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



involve in illegal trade of illicit liquor alongwith co-accused persons, where total recovery is of 61.05 litres.

5. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor appears to be made from the public carrier i.e. three wheeler, where the petitioner was co-passenger. It is submitted that vehicle being public carrier is accessible for the general public, and as such, it cannot be said that recovery as alleged was made from the physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in one more criminal case of similar nature, 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 appears to be made from



the public carrier doubting *prima facie* conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, accordingly, petitioner above named, is directed to be released on bail in connection with Spl. Excise Case No. 1270 of 2014 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 Special Excise Judge, Danapur (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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