

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40917 of 2024

Arising Out of PS. Case No.-720 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Trilok, Son of Sita Ram, Resident of House No.- D-191, Gali No.- 05, Near
Happy Holy School, Police Station - Jaitpur, District - South Delhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Excise P.S. Case No.720 of 2024 registered for the
offence punishable under Sections 30(a) and 32(3) of the
Bihar Prohibition and Excise Act, 2016.

3. The accused/petitioner named in the FIR and is
in custody since 23.03.2024.

4. Allegation against the petitioner is to have in
possession of 324 liters of illicit liquor and also alleged to be
involved in illegal trade arises thereof.

5. It is submitted by learned counsel for the
petitioner that the petitioner has been falsely implicated with



present case only being the driver of alleged bus from where the recovery of illicit liquor appears to be made. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was aware about the illegal consignment. It is submitted that as bus is accessible to general public, therefore, it can be said safely that recovery of liquor was not made from conscious physical possession of this petitioner, who is otherwise a man of clean antecedent. While concluding argument, it is submitted that the seizure list regarding recovery of illicit liquor appears doubtful, being not supported by any independent witness rather by the police personnels.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions, as recovery of illicit liquor not appears to be made *prima facie* from conscious physical possession of the petitioner, who is a man of clean antecedent, accordingly, the petitioner, above-named, 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 Judge (Excise) Court No.II, Muzaffarpur in connection with Excise P.S. Case No.720 of 2024 subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

