

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41168 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- Excise P.S. District- Patna

Ashik Kumar Son Of Arun Tiwari Resident Of Village- Tiwari Bigha, P.S-
Kako, District- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Upadhyay

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Excise Mashaurhi P.S. Case No. 224 of 2024 registered

for the offence under Section 30(a) of the Bihar

Prohibition and Excise Act.

3. The petitioner is named in the F.I.R. and is

in custody since 18.04.2024.

4. The allegation against the petitioner is to be

engaged in illegal trading of illicit liquor, where, there is

recovery 150 liters of country made liquor.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner being the driver of the tempo, falsely implicated with present case. It is pointed out that the tempo in issue is accessible by general public therefore the recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is also submitted that the seizure list witnesses appears doubtful being not supported by independent witnesses rather by police personal who are interested witnesses.

6. Learned APP, opposes the prayer of bail.

7. In view of the aforesaid factual submissions, as recovery of alleged illicit liquor appears to be made from a public carrier making a *prima-facie* doubt about the recovery of said illicit liquor from the conscious physical possession of the petitioner, accordingly, let the petitioner, above named, is directed to be released on bail in connection with Excise Mashaurhi P.S. Case No. 224 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 Sp. Judge Excise Exclusive Court No. 2, Patna, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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