

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40909 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- Excise P.S. District- Bhojpur

Mantosh Yadav, Son of Nandjee Yadav R/o village - Tilak Raj Ke Hata, Ward
No.- 14, P.S.- Simari, District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Opposite Party/s : Md. Nazir Ansari, 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 Bhojpur Excise P.S. Case No.100 of 2024 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. The accused/petitioner named in the FIR and is
in custody since 01.05.2024.

4. Allegation against the petitioner is to have in
possession of 1,536 liters of beer and also involved in illegal
trade of illicit liquor arises thereof.

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



with present case being the driver of alleged Mahindra pick up carrying the consignment of illicit liquor. It is submitted that during the investigation, nothing incriminating surfaced, which may suggest that the petitioner was under knowledge regarding carrying consignment being the driver and as such, it can be said safely that the alleged recovery of illicit liquor was not made from conscious physical possession of this petitioner, who is a man of clean antecedent. While concluding argument, it is submitted that the investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

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

7. In view of above-mentioned facts and circumstances, as implication of petitioner appears *prima facie* being driver of alleged vehicle carrying consignment of illicit liquor, who is a man of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.05.2024, 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 Exclusive Special Judge, Excise Court No.-II,
Bhojpur, Ara in connection with Excise P.S. Case No.100 of
2024, subject to the conditions as laid down under Section
437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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