

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13904 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- KATRA District- Muzaffarpur

BITTU KUMAR S/o Sewak Sahani R/o village- Nawada, P.S.- Katra,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Katra P.S.

Case No. 12 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.02.2022.

The allegation against the petitioner is to be engaged

in illegal trade of illicit liquor, where, there was total recovery
of 26.640 litres of illicit Indian made foreign liquor.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery has been made from open place near bank of *Gaur Dhoba* river and the same has not been recovered from conscious physical possession of the petitioner. It has further been submitted that name of the petitioner has surfaced on the basis of confessional statement of local Chaukidar, which is based upon suspicion for the reason that the petitioner found running away from the place of seizure. It has further been submitted that the petitioner is man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that as per seizure list, alleged recovery has been made from the open place.

Considering the facts and circumstances as mentioned above, as recovery has not been made from conscious physical possession of the petitioner, who is man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Katra P.S. Case No. 12 of 2022 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 Special Excise Court No.1, Muzaffarpur, subject to the following conditions:

“(I) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Ram Sewak Sahani, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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