

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18280 of 2022**

Arising Out of PS. Case No.-221 Year-2021 Thana- MITHANPURA District- Muzaffarpur

Raushan Kumar S/o Pappu Mahto Resident of Mohalla Kanhauli Bishundutta,
P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Mithanpura P.S. Case No. 221 of 2021 registered for the offence
under Sections 414 and 34 of the Indian Penal Code and Section
30(a), 32(ii) and 41(1) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.11.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
1053.6 litres of illicit IMFL.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Gaurav Kumar who has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.4373 of 2022 dated 08.06.2022. It has further been submitted that nothing surfaced during course of investigation, which may connect the petitioner with the alleged recovery of illicit IMFL. It has also been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been 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 recovery has not been made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as admittedly, recovery is not made from conscious physical possession of the petitioner, who is a 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 Mithanpura



P.S. Case No. 221 of 2021 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 Judge, Exclusive Excise Court-I, 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 Pappu Mahto, 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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