

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24400 of 2022**

Arising Out of PS. Case No.-183 Year-2020 Thana- MOTIPUR District- Muzaffarpur

MUNNA KUMAR DAS @ MUNNA DAS Son of Bhola Das Resident of
Village - Garahiya, P.S.- Muffasil, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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

2 22-07-2022 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 Motipur
P.S. Case No. 183 of 2020 registered for the offence under
Sections 30(a) and 41(i)(2) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 17.01.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 240 litres from the house of co-accused, namely,



Shivnath Paswant, and 120 litres from Maruti Suzuki Car bearing registration no. BR06U2338.

Learned counsel appearing on behalf of the petitioner submitted that only for the reason, as petitioner is the owner of the vehicle from which illicit liquor was recovered, has been falsely implicated in the present case. It is submitted that nothing surfaced during course of investigation, which may connect the petitioner with alleged recovery of illicit liquor. It is also submitted that petitioner is a man of clean antecedent, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is the owner of the vehicle and recovery of illicit liquor is not from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Motipur P.S.



Case No. 183 of 2020 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, Excise Court No.2, Muzaffarpur/concerned court, 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 Bhola Das, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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