

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26867 of 2022**

Arising Out of PS. Case No.-680 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Murari Kumar Son of Shaligram Singh Azad @ Shaligaram Azad R/O-
Chhajan Harishankar, P.S.- Kudhni, District- Muzaffarpur, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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

2 29-07-2022 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 Sadar,
P.S. Case No. 680 of 2021 registered for the offence under
Sections 272/273 IPC and Sections 30(a), 36 and 41(i) of the
Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.03.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 7696.08 litres of IMFL liquor from the Truck bearing registration no. BR06GD9281.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is owner of the alleged vehicle, whose name disclosed by the driver of the truck, namely, Shambhu Sahni. It is submitted that the alleged recovery is not made from the physical possession of the petitioner and furthermore nothing surfaced during course of investigation which may suggest that petitioner was under knowledge to have a consignment of illicit liquor. It is also submitted that petitioner is a man of clean antecedent and 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 the petitioner is the owner of the vehicle and seizure list suggest that recovery has not been made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is not 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 Sadar P.S. Case No. 680 of 2021 under section 272/273 IPC and 30(a)/36/41(i) of the Excise Act 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, Bihar, 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 the close relative of the petitioner and deponent of the present bail petitioner.”

(Chandra Shekhar Jha, J)

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