

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27414 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Surenbra Son Of Late Zila Singh R/O Village- Kulasi Panchi Jatan, P.S.-
Gannour, District- Sonipat (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 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 Ahiyapur
P.S. Case No. 60 of 2021 registered for the offence under
Sections 272, 273, 420, 467, 468, 471 and 347 of the Indian
Penal Code and Sections 30(a)(i), 36 and 41 of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 26.02.2022.

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



recovery of 1782.60 litres of IMFL/country made liquor from the truck.

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, Anil Kumar @ Anil Rai, nothing surfaced during course of investigation which may connect petitioner, *prima facie*, with the alleged recovery of illicit liquor. It is also 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 been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that alleged recovery is not made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor was not made from the physical possession of the petitioner 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 Ahiyapur P.S. Case No. 60 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 Exclusive Special
Excise Court No. 1, Muzaffarpur/concerned court, subject to the
conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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