

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27804 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- PATEPUR District- Vaishali

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CHHOTU KUMAR @ CHHOTU KUMAR RAI S/o Devnath Rai R/o
village- Mahaiya Malpur, P.S.- Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manohar Prasad Singh, Advocate
For the Opposite Party/s : Ms.Sucheta Yadav, APP

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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 Patepur
P.S. Case No. 87 of 2021 registered for the offence under
Section 30(a), 32(ii) 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 10.03.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2053 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of disclosure made by the co-accused, namely, Sanjay Kumar Sah and Manish Kumar, and in furtherance of said disclosure nothing incriminating/illicit liquor recovered from the possession of the petitioner. It is 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 that recovery of illicit liquor was not recovered 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 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 Patepur P.S. Case No. 87 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 Additional Sessions Judge-II-
cum- Special Judge, (Excise Act), Vaishali at Hajipur/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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