

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28174 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- SINGHESHWAR District- Madhepura

ARUN KUMAR JAISWAL @ ARUN CHAUDHARY S/o Narayan
Chaudhary R/o- Raghapur, P.S.- Raghapur, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, 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

Singheshwar P.S. Case No. 149 of 2021 registered for the

offence under Section 120(B) of the Indian Penal Code and

Section 30(a) 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 02.03.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 4466.495 litres of IMFL/country made liquor from truck.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of the confessional statement of co-accused, namely, Shekh Firoj, who was the driver of the alleged vehicle. It is submitted that similarly situated co-accused person has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 64876 of 2021 dated 04.02.2022. It is also submitted that in furtherance of said confessional statement, nothing incriminating material/illicit liquor was recovered from the possession of the petitioner. 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 recovery of illicit liquor was not made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as illicit liquor was not recovered from the conscious 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 Singheshwar P.S. Case No. 149 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 Court of Additional Sessions Judge-II-cum-Special Judge, Excise, Madhepura/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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