

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27748 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- PHULWARIYA District- Gopalganj

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Amit Mishra Son of Sri Rameshwar Mishra R/O Village- Rahashu, P.S.-
Kuber Asthan, District- Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivanand Singh, Advocate

For the Opposite Party/s : Mr.Anil Kumar, 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
Phulwariya P.S. Case No. 96 of 2022 registered for the offence
under Sections 414 and 420 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.03.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 34.56 litres of IMFL/country made liquor from the car bearing registration no. BR1AH 2301.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the dickey of the car and as such it cannot be said to be recovered from the conscious physical possession of the petitioner, who 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 recovery of illicit liquor was made from the dickey of the car.

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 Phulwariya P.S. Case No. 96 of 2022 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 District and Sessions Judge 2nd-cum-the Special Judge, Excise-I, Gopalganj/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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