

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27434 of 2022

Arising Out of PS. Case No.-240 Year-2021 Thana- KHAGAUL District- Patna

BRAJESH KUMAR S/o Ramanuj Singh R/o Lakhni Bigha, P.S.- Danapur,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29720 of 2022

Arising Out of PS. Case No.-240 Year-2021 Thana- KHAGAUL District- Patna

Guddu Kumar @ Prince Kumar @ Prince Son Of Parmod Kumar R/O-
Suldanpur, Ward No.-14, Lal Kothi, Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27434 of 2022)

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the State : Mr.Manoj Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 29720 of 2022)

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the State : Mr.Parmanand Kumar, 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 Khagaul



P.S. Case No. 240 of 2021 registered for the offence under 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 08.02.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2689.875 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 confessional statement of driver of the alleged truck, namely, Yogesh, from where illicit liquor was recovered. It is submitted that said driver has been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 3997 of 2022 vide order dated 09.06.2022. 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 the alleged recovery of illicit liquor was not made 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 Khagaul P.S. Case No. 240 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 Special Judge Excise Act, Danapur, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

Cr. Misc. No. 29720 of 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 Khagaul P.S. Case No. 240 of 2021 registered for the offence under 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 01.04.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2689.875 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 confessional statement of driver of the alleged truck, namely, Yogesh, from where illicit liquor was recovered. It is submitted that said driver has been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 3997 of 2022 vide order dated 09.06.2022. 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 the alleged recovery of illicit liquor was not made 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 Khagaul P.S. Case No. 240 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 Special Judge Excise Act, Danapur, Patna/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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