

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27777 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- BHAIKAVSHTHAN District- Madhubani

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Akhalesh Mishra @ Akhilesh Mishra Son Of Bhawan Mishra R/O- Vill-
Lohna (West), P.S.-Bhairav Asthan, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kripa Nand Jha, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, 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 Bhairav
Asthan P.S. Case No. 60 of 2022 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and
Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections
30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act,
2018.

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



custody since 29.03.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 747 litres of IMFL/country made liquor alongwith one country made pistol.

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, Roushan Kumar, and in furtherance thereof no incriminating material surfaced or recovered from the possession of the petitioner. It is also submitted that seizure list is not supported by independent witnesses. 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 no illicit liquor was recovered from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as no recovery of illicit liquor and firearm was 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 Bhairav Asthan P.S. Case No. 60 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 Special Judge, Excise Act, Jhanjharpur/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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