

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28226 of 2022**

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

=====

Raushan Kumar Mishra Son of Rabindra Kumar @ Rabindra Kumr Mishra
R/O Village- Mahinathpur, P.S.- Bhairavsthan, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, 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 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 28.03.2022.

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.

Learned counsel appearing on behalf of the petitioner submitted that alleged Apache motorcycle is not connected in any manner with the petitioner. It is submitted that seizure list is also not supported by the 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 seizure list is not supported by independent witnesses.

Considering the facts and circumstances as mentioned above, as 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 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/-

U		T	
---	--	---	--

