

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28682 of 2022

Arising Out of PS. Case No.-409 Year-2019 Thana- BIDUPUR District- Vaishali

Sanjeev Kumar @ SANJIT SINGH Son of Suresh Prasad Singh Resident of
village - Panapur Bateshwar Nath, P.S.- Jandaha, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Bidupur P.S.
Case No. 409 of 2019 registered for the offence under Section 30(a) ,
38 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.03.2022.

The allegation against the petitioner is to have in
possession of 4906 liters of foreign liquor of different brands was
recovered from the D.C.M. truck.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced during the course of
investigations as a driver of alleged vehicle from where illicit liquor



was recovered named this petitioner. It is also submitted that it is an admitted position that no recovery of illicit liquor was made from the possession of the petitioner, who is a man of clean antecedent, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not a case of recovery of illicit liquor from the physical possession of the petitioner as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bidupur P.S. Case No. 409 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no. 1-cum-Additional Sessions Judge Vaishali City/concerned Court, subject to the following conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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