

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28620 of 2022

Arising Out of PS. Case No.-303 Year-2021 Thana- KATRA District- Muzaffarpur

=====

Dharmendra Ray Son of Brahmdev Ray Resident of Village - Nagwara, P.s.-
Katra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, APP

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, Advocate

=====

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

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 Katra P.S.

Case No. 303 of 2021 registered for the offence under Sections 30(a)

of the Bihar Excise Amendment Act, 2018.

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

custody since 19.02.2022.

The allegation against the petitioner is to be engaged in

illegal trading/manufacturing of illicit liquor, where, there is recovery

of 17.760 litres IMFL.

Learned counsel appearing on behalf of the petitioner

submitted that the name of the petitioner surfaced on the basis of



confessional statement of the co-accused, namely, Pankaj Kumar, furtherance of which no incriminating material recovered from the possession of the petitioner, which may connect the petitioner with alleged recovery of illicit liquor. 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 the fact that recovery of illicit liquor was not made from the possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been 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 Katra P.S. Case No. 303 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 Exclusive Special Excise Court No. 1, Muzaffarpur city/concerned court, subject to the condition as mentioned under Section 437(3).

(Chandra Shekhar Jha, J)

Shivam/-

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

