

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30931 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- KHUSRUPUR District- Patna

Rajesh Kumar @ Rajesh Gope S/o Baiju Yadav 2 Baiju gope @ Vaiju Gop
Resident of Village- Baikatpur, Krishna Tola, P.S.- Khusrupur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar Jha, Advocate
For the Opposite Party/s : Mr.Suresh Prasad 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

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

Khusrupur P.S. Case No. 09 of 2022 registered for the offence

under Sections 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 23.02.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 300 litres of IMFL/country made liquor from Tempo.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the Auto, where, petitioner was not apprehended on spot, suggesting there of that recovery was not made from physical possession of the petitioner. 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 the fact that petitioner was not apprehended on spot.

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 Khusrupur P.S. Case No. 09 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, Bihar Excise Act, Patna City, Patna/concerned court,



subject to the conditions as mentioned under Section 437(3) of
Cr.P.C.

(Chandra Shekhar Jha, J)

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