

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28485 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- BAUNSI District- Banka

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ABHISHEK KUMAR @ ABHISHEK KUMAR RAY S/o Kuldip Rai
Resident of House No. 2081, Sector 12, P.S.- Sector- 12, District- Bokaro
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, 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 Bounsi

P.S. Case No. 21 of 2022 registered for the offence under

Section 30(a) and 32(2) of the Bihar Prohibition and Excise Act,

2018.

The accused/petitioners are named in the F.I.R. and

are in custody since 25.01.2022.

The allegation against the petitioners is to be engaged

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



recovery of 35 litres of IMFL/country made liquor from the car bearing registration no. BR51A3906.

Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor was made from the car, which was jointly occupied by other co-accused persons, and as such it cannot be said to be recovered from the physical possession of the petitioner, who is a man of clean antecedent. 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 car was jointly occupied by other co-accused persons.

Considering the facts and circumstances as mentioned above, as the recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, are directed to be released on bail in connection with Bounsi P.S. Case No. 21 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 2nd Additional District & Sessions Judge-
cum-Special Judge, Excise, Banka/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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