

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29314 of 2022

Arising Out of PS. Case No.-236 Year-2020 Thana- KOTWALI District- Munger

ROCKY KUMAR @ SOURAV KUMAR Son of Late Jagdish Ram Resident
of village - Bekapur, P.S.- Kotwali, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Nishi, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, 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 Kotwali
P.S. Case No. 236 of 2020 registered for the offence under Section
30(a) and 32 of the Bihar Prohibition and 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 have in
possession of 58.275 liters of country made liquor, which was
recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of alleged illicit liquor was made from



the house of the petitioner which is jointly occupied by other family member and as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that investigation in this case is completed for which charge-sheet 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 recovery was made from the house 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 charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kotwali P.S. Case No. 236 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Court, Excise, Munger 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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