

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29003 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- SAHPUR District- Patna

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MANOJ KUMAR Son of Sri Naresh Singh Resident of Village - Gangapur,
P.S. - Narhat, Dist.- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, 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 Shahpur

P.S. Case No. 76 of 2022 registered for the offence under

Section 30(a), 32(ii), 56 and 41 of the Bihar Prohibition and

Excise Act, 2018.

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

are in custody since 15.02.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 72 litres of IMFL/country made liquor from the car.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the jointly occupied car, and as such it cannot be said to be recovered from conscious 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 recovery was made from the jointly occupied car.

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, who is a man clean antecedent 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 Shahpur P.S. Case No. 76 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 Excise Judge, Danapur (Patna)/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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