

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28701 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

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Anil Kumar @ Anil Kumar Rai S/o Late Raghubir Singh @ Late Raghubir Singh Resident of Village - Bajana Khurd, P.S. - Gannaur, District - Sonipat (Haryana).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

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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 Ahiyapur P.S. Case No. 60 of 2021 registered for the offence under Section 272, 273, 420, 467, 468, 471 and 34 of the India Penal Code and Section 30(a), 36 and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 26.02.2022.

The allegation against the petitioner is to have in possession of 1782.16 liters of country made liquor, which was



recovered from a truck.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of disclosure made by driver of the vehicle, namely Mahesh Chandra Sharma, who has already been granted bail by one of the learned co-ordinator Bench through Cr. Misc. No. 35708 of 2021 dated 14.09.2021. It is further submitted that petitioner is a man of clean antecedent and admittedly, no illicit liquor was recovered from the 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 no illicit liquor was recovered from the physical possession 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, who is a man of clean antecedent, 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 Ahiyarpur P.S. Case No. 60 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 following conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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