

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28697 of 2022

Arising Out of PS. Case No.-174 Year-2020 Thana- PARWALPUR District- Nalanda

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Guddu Singh @ Shashiranjana Kumar S/o Ram Naresh Singh @ Naresh Pd.
Singh R/o Village- Koyari Bigha, P.S.- Parwalpur, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Sinha No.1, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha.1, 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
Parwalpur P.S. Case No. 174 of 2020 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.02.2022.

The allegation against the petitioner is to have in
possession of 600 liters of country made liquor, which was
recovered from a cabin.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of local spy, where it is alleged that the petitioner along with other accused persons were engaged in selling of illicit liquor from a cabin belongs to co-accused Rabindra Kumar Singh, who has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 3255 of 2022, it is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. It is submitted that alleged vehicle was occupied by other co-accused also 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 complete 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 cabin was jointly occupied 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 Parwalpur P.S. Case No. 174 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 Special Judge, Excise, Nalanda, Bihar sarif 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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