

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31599 of 2022

Arising Out of PS. Case No.-562 Year-2021 Thana- PHULWARISHARIF District- Patna

AKSHAY KUMAR @ AKSHAY MAHTO S/o Shailendra Mahto @ Surendra Mahto Resident of Mohalla- Uttari Sangat, Kumhar Toli, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2022 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 Phulwarisharif P.S. Case No. 562 of 2021 registered for the offence under Sections 30(a), 36, 41 and 51 of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in custody since 20.04.2022.

The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 3385.23 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that as certain quantity of 27 litres of illicit liquor was recovered from scooty, which belongs to the father of the petitioner, petitioner has been named in the present case. It is submitted that the name of the petitioner, in the present case, surfaced on the basis of suspicion raised by unknown villagers. It is further submitted that no illicit liquor was recovered from the conscious physical possession of the petitioner. It has been submitted that investigation is complete, where charge-sheet has been submitted.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of illicit liquor is made from scooty.

Considering the facts and circumstances as mentioned above, as recovery was not made from the conscious physical possession of the petitioner, 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 Phulwarisharif P.S. Case No. 562 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 Special Judge Excise Act, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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