

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29753 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- BHAIKAVSHTHAN District- Madhubani

SUSHIL KUMAR Son of Prameshwar Sahu Resident of Village -
Malinathpur, P.S.- Bhairab Asthan, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Advocate

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

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 Bhairav
Asthan P.S. Case No. 60 of 2022 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and
Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections
30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.03.2022.

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.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor is not made from the conscious physical possession of the petitioner in the background of the fact that seizure list is not supported by independent witnesses which appears to be in violation of the Section 100(4) of the Cr.P.C. It is also submitted that petitioner is a man of clean antecedent, and moreover, 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 seizure list is not supported by independent witnesses.

Considering the facts and circumstances as mentioned above, recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of 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 Bhairav Asthan P.S. Case No. 60 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 Judge, Excise Act,
Jhanjharpur/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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