

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31395 of 2022**

Arising Out of PS. Case No.-932 Year-2021 Thana- KUDHNI District- Muzaffarpur

NARESH SINGH S/o Late Kuldeep Singh Resident of Village- Turki Naya  
Tola, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Kanhaiya Kishore (App 100)

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      10-08-2022                      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 Kudhani  
(Turki O.P.) P.S. Case No. 932 of 2021 registered for the offence  
under Section 30(a) of the Bihar Prohibition and Excise Act,  
2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 25.02.2022.

The allegation against the petitioner is to be engaged  
in illegal trade of illicit liquor, where, there is recovery of 56.7  
litres of illicit IMFL.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of secret input of local *Chaukidar*/police spy. It is also submitted that recovery has been made from Bamboo clumps of co-accused, namely, Suman Singh, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was made from open place.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made 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 Kudhani (Turki O.P.) P.S. Case No. 932 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) Court No.II, Muzaffarpur concerned court, subject to  
the conditions, as mentioned in Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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