

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31594 of 2022

Arising Out of PS. Case No.-840 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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MANISH KUMAR @ LAKHAN SON OF UDAY SHANKAR MAHTO R/O
MOHALLA- PANKAJ MARKET, NUNFAR, P.N.B.KE PICHHE, P.S.-
TOWN, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Pronoti Singh

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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 Town P.S. Case
No. 840 of 2021 registered for the offence under Sections 30(a) of the
Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in custody
since 13.02.2022.

The allegation against the petitioner is to be engaged in illegal
trade of illicit liquor, where, there is recovery of 337.11 litres of
IMFL/country made liquor from the house of the co-accused, namely,
Vinay Kumar Singh, who disclosed the name of the petitioner.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of illicit liquor was not made from the
conscious physical possession of the petitioner. It is further submitted that



the name of the petitioner has been disclosed by the co-accused, namely, Vinay Kumar Singh. Seizure list is not supported by independent witnesses which appears to be in violation of Section 100(4) of the Cr.P.C. While concluding the argument, it has been submitted that 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 the fact that recovery of illicit liquor was not made from conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from 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 Town P.S. Case No. 840 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 No.-1, Muzzafarpur/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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