

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31607 of 2022

Arising Out of PS. Case No.-100 Year-2017 Thana- MOHAMMADPUR District- Gopalganj

RAJPAL @ RAJPAL SINGH Son of Jageram Resident of Village - Bahu
Akbarpur, Police Station- Rohtak, District - rohtak, Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2022 Heard learned counsel appearing on behalf of the petitioner
and learned APP 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 Mohammadpur
P.S. Case No. 100 of 2017 registered for the offence under Sections 272,
273, 420, 120B and 30(a), 38 & 41 of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

The accused/petitioner is named in the F.I.R. and is in custody
since 26.10.2021.

The allegation against the petitioner is to be engaged in illegal
trading/manufacturing of illicit liquor, where, there was total recovery of
1560.6 litres of illicit country made foreign liquor from truck.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is not the owner of the alleged vehicle from which
the recovery was made. It is also submitted that the name of the petitioner



has been disclosed by the driver of the said vehicle namely, Sudesh Kumar and in furtherance of said disclosure, nothing incriminating surfaced/recovered, which may connect the petitioner with the alleged recovery of illicit liquor. While concluding the argument, it has been submitted that investigation is complete, for which, charge-sheet has already been submitted, as such there is no chance of tampering with the evidence.

Learned APP, while opposes the prayer of bail, fairly conceded that recovery has not been made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery has not been made 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 Mohammadpur P.S. Case No. 100 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II cum Special Excise Court No. I, Gopalganj, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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