

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33188 of 2022**

Arising Out of PS. Case No.-36 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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HEERA KUMAR SON OF LATE SANJAY SAO R/O VILLAGE-
PAKRIBARAMA, NEAR DURGA MANDIR, P.S.- PAKRIBARAMA,
DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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

3 05-09-2022 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
Sheikhopur Sarai P.S. Case No. 36 of 2022 registered for the
offence under Sections 188, 272, 273, 420, 467, 468, 471,
120(B) and 34 of the Indian Penal Code and Sections 30(a) /
32(ii)/41(i)/36 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.03.2022.

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



888.75 litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was helper of the alleged tanker/vehicle, from where, alleged recovery of illicit liquor was made, as such, it cannot be said that the alleged recovery was made from the conscious physical possession of the petitioner. It is also submitted that nothing surfaced during course of investigation, which may suggest that the petitioner was under knowledge of consignment of illicit liquor. 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 alleged recovery of illicit liquor was not made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the petitioner, where, petitioner 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 Sheikhopur Sarai P.S. Case No. 36 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 Additional District and Sessions Judge-II, Sheikhpura/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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