

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34014 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- MITHANPURA District- Muzaffarpur

Shivam Kumar Son Of Amod Ray Resident Of Village- Amana, P.S.-
Sursand, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-08-2022 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
Mithanpura P.S. Case No. 221 of 2021 registered for the offence
under Sections 414 and 34 of the Indian Penal Code and
Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.10.2021.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 146.86 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from car, which was jointly occupied, denying thereof conscious physical possession of petitioner over alleged recovered illicit liquor. It is submitted that petitioner is a man of clean antecedent. It has further been submitted that investigation is complete, where charge-sheet has been submitted.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor 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 been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mithanpura P.S. Case No. 221 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, Exclusive Excise, Court No.I, Muzaffarpur/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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