

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33085 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- BABUBARHI District- Madhubani

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GOPAL KUMAR MANDAL @ RAHUL Son of Madan Mandal Resident of
Village - Maheshwara, P.s.- Babubarhi, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 Babubarhi
P.S. Case No. 133 of 2021 registered for the offence under Sections
272, 273 and 34 of the Indian Penal Code and 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 18.06.2021.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 381 litres of
illicit Nepali liquor.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the basis of self



confession, where, nothing surfaced during course of investigation to connect this petitioner with alleged vehicle, from where, recovery of illicit liquor was made. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been 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 appearing for the State, opposes the prayer for bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not 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 Babubarhi P.S. Case No. 133 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 2nd Additional District and Sessions Judge-cum-Special Judge Excise Act, Madhubani/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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