

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33901 of 2022

Arising Out of PS. Case No.-313 Year-2022 Thana- BARHARA District- Bhojpur

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Ashutosh Kumar Son Of Baliram Singh Resident Of Village- Brahampur,
Matiyara, Police Station- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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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 Barhara
(Krishnagarh) P.S. Case No. 313 of 2022 registered for the
offence under Sections 25(1-b)a, 26 and 35 of the Arms Act and
under 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 04.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where there is



recovery of 500ml of illicit liquor/ beer, and also found in possession of one country made pistol and 5 live cartridges.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from motorcycle, which was jointly occupied, denying thereof conscious physical possession of the petitioner, who is a man of clean antecedent. It is also submitted that seizure list is not supported by independent witnesses, and alleged fire arms are planted to make the allegation more aggravated. It has 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 in the background of disputed seizure list 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 Barhara (Krishnagarh) P.S. Case No. 313 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 Sessions Judge-1st-cum-Special Judge, Excise,



Bhojpur, Ara/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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