

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34061 of 2022

Arising Out of PS. Case No.-633 Year-2019 Thana- KUDHNI District- Muzaffarpur

Prakash Kumar Son of Chandradeo Prasad @ Bachha Babu R/O Village-
Chhajan Pasarwara, P.S.- Kudhani, District- Muzaffarpur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.AAP

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.

At the outset, learned counsel for the petitioner submitted that inadvertently, name of the petitioner in the cause title of the bail petition, has been wrongly typed as 'Prakesh' instead of 'Prakash'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction, during the course of the day itself.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Kudhani (Turki O.P.) P.S. Case No. 633 of 2019 registered for the offence



under Sections 414 and 34 of the Indian Penal Code 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 28.09.2021.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 138.240 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery is made from the house and bathan of the petitioner, which is jointly occupied, admittedly, same is not recovered from conscious physical possession of the petitioner, who is a man of clean antecedent. 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, 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 Kudhani (Turki O.P.) P.S. Case No. 633 of 2019 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 Excise Court-II, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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