

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36718 of 2022

Arising Out of PS. Case No.-319 Year-2021 Thana- BIKRAM District- Patna

Kariman Singh @ Ramakant Sharma @ Kariman Sharma Son of Jagdish Sharma @ Seth Sharma R/O Village- Beni Bigha, P.S.- Bikram, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 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 Special Case No. 8059 of 2021 registered for the offence under Sections 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 13.04.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 82.5 litres of IMFL/country made liquor from the place of occurrence.



Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor was made from the house constructed in garden located behind A.N.College, Patna, Bihar, which is not connected with the petitioner in any manner. It is further submitted that the name of petitioner surfaced on the basis of secret information received by police and admittedly, it was not recovered from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that no illicit liquor was recovered from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioner 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 Special Case No. 8059 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 Excise,
Danapur, Patna/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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