

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35556 of 2022

Arising Out of PS. Case No.-450 Year-2021 Thana- MINAPUR District- Muzaffarpur

RAHUL KUMAR Son of Bhuneshwar Giri Resident of Village - Nariyar,
Ward No.6, P.s.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-08-2022 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 Meenapur
P.S. Case No. 450 of 2021 registered for the offence under
Sections 272, 273, 414, 120(B)/34 of the Indian Penal Code,
Section 25(1-b)a, 26 and 35 of Arms Act 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 29.11.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 5.625
litres of illicit IMFL and one live cartridge.



Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor has been made from bag, hanged with handle of the motorcycle, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is also submitted that one live cartridge without pistol is indicating otherwise to implicate this petitioner with some serious allegation. It is also submitted that the petitioner is a man of clean antecedent. It is also submitted that seizure list is not supported by independent witnesses. While concluding the argument, it is submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that seizure list is not supported by independent witnesses.

Considering the facts and circumstances as mentioned above, as seizure list is disputed, where, petitioner 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 Meenapur P.S. Case No. 450 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 Court No.1, Muzaffarpur/concerned court, subject to the condition as mentioned in Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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