

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35480 of 2022

Arising Out of PS. Case No.-116 Year-2020 Thana- PIYAR District- Muzaffarpur

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Shyam Jha @ Shyam Kumar Jha S/o Madhushudan Jha @ Maksudhan Jha
Resident of Village- Loma Kamarthu, P.S.- Gayghat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP 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 Piar P.S.
Case No. 116 of 2020 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, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.02.2022.

The allegation against the petitioner is to involve in
the illegal trading of illicit liquor, where 481.95 liters of IMFL
was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that recovery was made from the house of the petitioner, which was jointly occupied by other family members, as such, it cannot be said to be recovered from the physical possession of the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. It is further submitted that seizure list is not bearing the signature of the petitioner, negating thereof, that recovery was made from the physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery was made from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery was not made from the physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Piar P.S. Case No. 116 of 2020 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 Act, Excise Court No.II, Muzaffarpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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