

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35219 of 2022

Arising Out of PS. Case No.-1245 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Kishun Bhagat @ Kishan Bhagat S/O- Late Bhola Bhagat R/O- Villl- Kolhua,
Paigambarpur, P.S.- Ahiyapur ,Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara,

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 Ahiyapur
P.S. Case No. 1245 of 2019 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Sections
30(a), 36 and 38 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 167.520 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of illicit liquor is made from the hut, which is not connected in any manner with the petitioner, where nothing recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is 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 Ahiyapur P.S. Case No. 1245 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 Exclusive Special Excise Court No.I, 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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