

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35578 of 2022

Arising Out of PS. Case No.-307 Year-2019 Thana- MANIYARI District- Muzaffarpur

VIRENDRA KUMAR @ BIRENDRA KUMAR Son of Lagandev Rai
Resident of Mohalla - Kudhani, P.S.- Kudhani, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Shaheen Begum

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 Maniyari
P.S. Case No. 307 of 2019 registered for the offence under
Sections 272, 273/34 of the Indian Penal Code and Sections
30(a)/34/36/38/41 of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.04.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 60.84
litres of illicit IMFL.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of disclosure of local '*Chaukidar*' and in furtherance thereof nothing incriminating recovered/surfaced during course of the investigation, which may connect this petitioner with the present set of recovery of illicit liquor. It is also submitted that alleged van carrying illicit liquor is not connect in any manner with the petitioner, who is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of illicit liquor has not been made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery 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 already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maniyari P.S. Case No. 307 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 Judge Excise Court No.II, Muzaffarpur/concerned court, subject to the condition as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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