

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35901 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- KARJA District- Muzaffarpur

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Chandan Kumar Son Of Mahesh Rai R/O Village- Narhar Sarai, P.S.- Karja,
District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Meena Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-08-2022 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 Karja-
P.S. Case No. 75 of 2021 registered for the offences under
Sections 272, 273/34 of I.P.C. and under Section 30(a) of the
Bihar Excise Court No.-II and Prohibition Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.05.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 476.64 litres of IMFL/country made liquor from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that the recovery of illicit liquor was made from the hut of co-accused Vipul Kumar and on his confession only the name of petitioner surfaced in present case, where nothing incriminating material recovered from the conscious physical possession of the petitioner during the course of investigation. 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 the recovery of illicit liquor was not made from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of 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 Karja P.S. Case No. 75 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.-II, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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