

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37690 of 2022

Arising Out of PS. Case No.-359 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

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VINAY CHAUBEY @ VINAY KUMAR CHAUBEY @ VINAY KUMAR
Son of Late Yogendra Chaubey Resident of Village - Navanagar Nizamat
Mokari Tola, P.S. - Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Advocate
For the Opposite Party/s : Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 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

Sahebganj P.S. Case No. 359 of 2020 registered for the offence

under Sections 272, 273, 120(B) and 414 of the Indian Penal

Code, Sections 25(1-b)a and 26 of the Arms Act and Sections

30(a)(g), 33, 34(B), 35(A), 36 and 41(a)(1) of the Bihar

Prohibition and Excise Act, 2018.

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

custody since 15.04.2022.



The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 600 litres of IMFL/country made liquor from an open place.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the bank of pond where the name of petitioner surfaced on the basis of confessional statement of co-accused persons. It is submitted that admittedly, the recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is submitted that investigation is complete, where 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 made from an open place.

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 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 Sahebganj P.S. Case No. 359 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), Court No.II, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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