

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35767 of 2022

Arising Out of PS. Case No.-392 Year-2018 Thana- BASANTPUR District- Siwan

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Chandan Bharti Son of late Satendra Bharati @ Satyendra Bharti Resident of
Village - Bankajua, P.S.- Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-08-2022 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 Basantpur
P.S. case No. 392 of 2018 registered for the offence under
Sections 272, 273, 308 and 34 of the Indian Penal Code and
Sections 30(A) and 41(1) of the Bihar Prohibition and Excise
Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.06.2022.

The allegation against the petitioner is to involve in



the illegal trading of illicit liquor, where 570.240 liters of foreign liquor was recovered from a Bolero vehicle bearing Registration no. JH 04 F 3309.

Learned counsel appearing on behalf of the petitioner submitted that the alleged vehicle is in no way connected with the peittioner, where name of the petitioner surfaced on the basis of disclosure made by unknown villagers. It is submitted that seizure list is not bearing the signature of the petitioner, negating thereof, that the recovery of illicit liquor was not made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that 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 of illicit liquor was not made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner 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 Basantpur P.S. case No. 392 of 2018 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 Judge, Excise Court No.1,
Siwan/concerned Court, subject to the conditions as laid down
u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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