

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37071 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- VAISHALI District- Vaishali

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Kundan Kumar @ Kundan Kumar Singh @ Kumar Singh Son of Birendar
Singh R/O- Vill- Rampur Horil, P.S.- Vaishali (BELSAR O.P.), Dist.- Vaishali
At Hazipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, 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 (Belsar
O.P.) P.S. Case No. 157 of 2022 registered for the offence under
Sections 30(a), 41(1) and 32(2) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 341.58 litres of IMFL/country made liquor from the



abandoned hut behind the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor was made from the abandoned hut behind the house of the petitioner. It is submitted that the said abandoned house is not connected in any manner with petitioner and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. 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 recovery of illicit liquor was made from the abandoned hut, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of alleged 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 (Belsar O.P.) P.S. Case No. 157 of 2022 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.-II-cum-Additional Sessions Judge,
Vaishali at Hajipur/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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