

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36746 of 2022

Arising Out of PS. Case No.-221 Year-2022 Thana- NAUBATPUR District- Patna

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MANJEET KUMAR S/O SRI CHANDESHWAR RAY R/o Sahpur Maricha,
P.S.-Maniyari, Distt.-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, 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
Naubatpur P.S. Case No. 221 of 2022 registered for the offence
under Sections 420, 467, 468, 471 of the I.P.C. and under
Sections 30(a), 32(i)(iii), 36, 41(i)(ii) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.04.2022.

The allegation against the petitioner is to act as a liner
while loading a truck with 3584 litres of IMFL/country made
liquor.



Learned counsel appearing on behalf of the petitioner submitted that nothing surfaced during the course of investigation which may suggest that the petitioner in any manner connected with alleged truck from where recovery of illicit liquor was made. It is further submitted that the recovery of 99 litres of liquor was also made from the dicky of the Alto Car, where petitioner was on back seat and, as such, it cannot be said to be recovered from 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 the recovery of illicit liquor was made from the dicky of the car, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is made from the dicky of the car and alleged truck which is not connected in any manner with the petitioner and, as such, it cannot be said to be recovered from 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 Naubatpur P.S. Case No. 221 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 Court of Special Excise Judge, Danapur,
Patna/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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