

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39079 of 2022

Arising Out of PS. Case No.-184 Year-2022 Thana- MANER District- Patna

Nirbhay Kumar son of Dev Kumar Das R/O Village- Madhopur, P.S.- Maner,
Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Anand, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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 Maner
P.S. Case No. 184 of 2022 registered for the offence under
Sections 30(a)(c), 34, 36 and 41 of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.03.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 198 litres of IMFL/country made liquor from an
open place .



Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended at the spot and his name surfaced on the basis of disclosure made by co-accused persons. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the present set of occurrence. It is further submitted that this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent 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 name of the petitioner surfaced on the basis of disclosure made by co-accused persons, as per F.I.R.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Maner P.S. Case No. 184 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
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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