

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38035 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- BANGAWON District- Saharsa

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Santosh Gupta @ Kanchha Son of Late Bhola Gupta @ Bhola Sah R/O
Village- Bariyahi Bazar, Ward No. 06, P.S.- Bangaon, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Tapeshwar Sharma

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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 Bangaon
P.S. Case No. 39 of 2022 registered for the offence under
Sections 420, 467, 468, 471 of Indian Penal Code and under
Sections 30(a) 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 05.04.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 738 litres of IMFL/country made liquor from the co-accused.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of disclosure made by co-accused Chhotu Kumar, who is the owner of alleged vehicle from where illicit liquor was recovered. Admittedly, this is not a case of recovery of illicit liquor from the 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 not made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is not made from the 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 Bangaon P.S. Case No. 39 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-cum-Additional District and Sessions Judge-V, Saharsa/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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