

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40987 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- HASPURA District- Aurangabad

SUJIT KUMAR Son of Nandu Rajak Resident of village- Adarshnagar
Haspura, PS- Haspura, District- Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-09-2022 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 Haspura P.S.
Case No. 76 of 2022 registered for the offence under Section 37(b)(c)
of the Bihar Prohibition and Excise Act, 2018 and under Sections
25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.03.2022.

As per allegation, petitioner found in having possession of
one three-nut/country made pistol and further alleged to be in
drunken condition.

Learned counsel appearing on behalf of the petitioner
submitted that admittedly, it is not a case of recovery of illicit liquor



rather allegation is limited, where petitioner found in drunken condition. It is also submitted that recovery of firearms is only to make allegation aggravated, as seizure list is disputed, as same is not supported by the independent witnesses. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation is limited to drink illicit liquor, which is prohibited in the State in the background that seizure list is disputed, as the same is not supported by independent witnesses 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 Haspura P.S. Case No. 76 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 Additional District & Sessions Judge, Excise -II, Aurangabad, Bihar/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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