

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40358 of 2022**

Arising Out of PS. Case No.-199 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

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Suman Kaushik @ Raja Kumar @ Raja Kaushik Son of Umashankar Sahni
Resident of village - Rasulpur Wazid, P.S.- Ahiyapur, Distt.- Muzaffarpur
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Md. Iftekhhar Mahmood, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 23-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Ahiyapur
P.S. Case No. 199 of 2021 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Sections
30(a), 36 and 41 of the Bihar Prohibition and Excise
(Amendment) Act.



The accused/petitioner is named in the F.I.R. and is in custody since 23.04.2022.

The allegation against the petitioner is to involve in the illegal trading of illicit liquor, where a total of 329.8 liters of illicit liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of disclosure made by the apprehended person and, admittedly, this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery of illicit liquor. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Ahiyapur P.S. Case No. 199 of 2021 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 Judge, Excise, Muzaffarpur/concerned Court,
subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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