

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40353 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- BHAGWANPUR District- Begusarai

Ram Kumar @ Ram Kumar Rai Son of Bhola Ray @ Bhola Rai R/O Village-
Bariyarpur, P.S.- Teghra In The District Of Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

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

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
Bhagwanpur P.S. Case No. 162 of 2021 registered for the
offence under Section 120(B) of the Indian Penal Code and
Sections 30(a) and 40(1)(2) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.



The accused/petitioner is named in the F.I.R. and is in custody since 20.06.2022.

The allegation against the petitioner is to involve in the illegal business of illicit liquor, where 1534.68 liters of illicit liquor was recovered from different vehicles and from roadside.

Learned counsel appearing on behalf of the petitioner submitted that the recovery of illicit liquor was made from roadside and from different vehicles, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that name of the petitioner surfaced on the basis of disclosure made by co-accused, namely, Rakesh Kumar. 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 Bhagwanpur P.S. Case No. 162 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 Exclusive Excise Court-I, Begusarai/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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