

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40339 of 2022

Arising Out of PS. Case No.-70 Year-2019 Thana- PAROO District- Muzaffarpur

Suresh Rai S/O Late Jaleshwar Rai Resident of Bhalua Nakata, P.S.- Janta Bazar (Taraiya), District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Singh, Advocate
	:	Mr. Vishesh Kumar Singh, Advocate
For the State	:	Mr. Sucheta Yadav, 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.

At the outset, learned counsel for the petitioner submitted that at page no.6 in paragraph no.6 of the bail petition, inadvertently, date of custody has been wrongly typed as '07.01.2022' instead of '07.03.2022'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction, during the course of the day itself.

The petitioner seeks bail in connection with Paroo P.S. Case No. 70 of 2019 registered for the offence under Sections



270, 272, 328, 467, 468, 471, 472, 419, 420, 120(B) and 34 of the Indian Penal Code, Sections 4 and 6 of the Trade Marks Act and Sections 30, 30(a), 35(e), 36 and 38 of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in custody since 07.03.2022.

The allegation against the petitioner is to involve in the illegal business of illicit liquor, where a total of 2057.55 liters of foreign liquor and 8000 liters of spirit alongwith other articles were recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery alleged illicit liquor and spirit were made from hut of co-accused, namely, Hari Rai and, admittedly, this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. 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 alleged illicit liquor and spirit 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 Paroo P.S. Case No. 70 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Special Excise Court, Saran at Chapra/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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