

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40694 of 2022**

Arising Out of PS. Case No.-7 Year-2022 Thana- BELA INDUSTRIAL District- Muzaffarpur

Amit Kumar Choudhary @ Amit Kumar S/O Rameshwar Choudhary  
Resident of Sukki harlochanpur, P.S.- Patepur, District- Vaishali, at present  
Resident of Nandpuri, Bhagwanpur, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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

3      12-09-2022                      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 Bela P.S.  
Case No. 07 of 2022 registered for the offence under Section  
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 01.07.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is  
recovery of 1676.16 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from godown, which belongs to the petitioner and as such it cannot be said that recovery was made from conscious physical possession of the petitioner. It is submitted that compliance of Section 100 of the Cr.P.C. was not made, while searching godown. It is further submitted that similarly situated co-accused person, namely, Kuldeep Singh, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 23655 of 2022 vide order dated 13.05.2022. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the conscious 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 Bela P.S. Case No. 07 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 No. 1, Muzaffarpur/concerned court, subject to the  
conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

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