

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.40661 of 2022

Arising Out of PS. Case No.-353 Year-2021 Thana- GORAUL District- Vaishali

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DHIRENDRA KUMAR S/o Rambabu Ray @ Karpoori Ray R/o village-
Rasulpur, Korigaon, P.S.- Goraul, District- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anjum Perveen, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 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 Goraul
P.S. Case No. 353 of 2021 registered for the offence under
Sections 272, 273, 420, 467, 468, 471/34 of the I.P.C. and under
Sections 30(a), 32(1), 32(3), 36, 41(1) and 41(2) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 2174.040 litres of IMFL/country made liquor from
the alleged vehicle.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner is a student and was mere a



passerby and on the basis of suspicion, he has been involved in present case. It is submitted that apparently, seizure list is not bearing the signature of petitioner, is sufficient to gather that the alleged recovery was not made from the physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, 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 seizure list suggest that recovery was not made from the physical possession of the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Goraul P.S. Case No. 353 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 Additional District and Sessions Judge-II-cum-Special Judge, Vaishali at Hajipur/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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