

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45960 of 2022

Arising Out of PS. Case No.-100 Year-2020 Thana- JAGDISHPUR District- Bhojpur

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Mantu Kumar @ Mantu Singh Son of Bilar Singh R/V- Narayanpur, P.S-
Jagdishpur, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2022 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
Jagdishpur P.S. Case No. 100 of 2020 registered for the offence
under Sections 30(a) and 30(d) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 85 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from bank of river, which is an open place, accessible by general public, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of the petitioner. It is further submitted that name of the petitioner surfaced on the basis of secret input received by the police, where nothing surfaced during course of investigation to connect petitioner with present recovery of illicit liquor. 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 already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jagdishpur P.S. Case No. 100 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of
learned 4th Additional District and Sessions Judge, Bhojpur at
Ara/concerned Court, subject to the conditions as laid down u/s
437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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