

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42780 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- HATHAURI District- Muzaffarpur

ABHISHEK KUMAR @ SURAJ KUMAR Son of Sushil Singh Resident of
village- Bhadai P.S- Hathauri, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-08-2022 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 Hathauri
P.S. Case No. 70 of 2021 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 09.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 18.750 litres of IMFL/country made liquor and 150
litres of spirit.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the basis of
disclosure made by apprehended co-accused persons, namely,



Guddu Kumar @ Guddu Sahni and Shyam Kishore, where one co-accused person namely, Guddu Kumar @ Guddu Sahni has been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 36874 of 2021 vide order dated 06.01.2022. It is further submitted that admittedly, it is not a case of recovery from physical possession of the petitioner. It has been submitted that investigation of this case is complete, where charge-sheet has been submitted.

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 Hathauri P.S. Case No. 70 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 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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