

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43203 of 2022**

Arising Out of PS. Case No.-57 Year-2022 Thana- PATNA CITY CHOWK District- Patna

KUSH KUMAR @ DANGAL Son of Sri Ramu Prasad @ Raju Prasad
Resident of Village - Machharatha Gali, P.s.- Khajekalan, Patna City, Distt.-
Patna.800008

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, 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 Chowk
P.S. Case No. 57 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 05.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 120 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of illicit liquor was made from the open
“Thela” and as such it cannot be said that recovery of illicit



liquor was made from conscious physical possession of the petitioner, who is a man of clean antecedent. It is submitted that seizure list is also disputed, as same is not supported by independent witnesses. It has been submitted that investigation 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 alleged illicit liquor was not made made from conscious physical possession of the petitioner in the background of disputed seizure list, where petitioner is a man of clean antecedent 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 Chowk P.S. Case No. 57 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 Special Judge (Excise), Patna City, Distt-Patna/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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