

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43443 of 2022

Arising Out of PS. Case No.-577 Year-2022 Thana- MADHEPURA District- Madhepura

Shivam Kumar Son of Bablu Kumar Resident of Village - Jaipalpatti, Ward
no.26, P.s. and Distt.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, 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 Madhepura
P.S. Case No. 577 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 19.06.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 308 litres of IMFL/country made liquor from Scorpio car.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner is not connected in any manner with
alleged vehicle from where recovery of illicit liquor was made. It is



further submitted that alleged recovery was made from jointly occupied vehicle and as such, it cannot be said that it was made from conscious physical possession of this petitioner, who is a man of clean antecedent and moreover, it has been categorically submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, 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 recovery of alleged illicit liquor cannot be said made from conscious physical possession of this petitioner, who 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 Madhepura P.S. Case No. 577 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 the learned Court of Additional Sessions Judge-II, Madhepura/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Pooja/-
Archana/-

U		T	
---	--	---	--

