

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.44649 of 2022**

Arising Out of PS. Case No.-188 Year-2021 Thana- UJIYARPUR District- Samastipur

Rohit Kumar @ Mahto Kumar @ Lulha Son of Jagdish Singh R/O Village-  
Najirpur, P.S.- Ujiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

2      08-09-2022                      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 Ujiyarpur P.S.  
Case No. 188 of 2021, Excise G.R. No. 596 of 2021 registered for  
the offence under Sections 30(a), 41(i) (ii) of the Bihar Prohibition  
and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in  
custody since 10.05.2022.

The allegation against the petitioner is to be engaged in  
illegal trading/manufacturing of illicit liquor, where, there is recovery  
of 285.12 litres of IMFL/country made liquor from the Bolero  
vehicle.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner was not apprehended on spot and his name surfaced on the basis of input provided by unknown villagers. Admittedly, this is not the case of recovery from physical possession of the petitioner. While concluding the argument, it has been submitted that investigation 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 illicit liquor was not made from 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 Ujiyarpur P.S. Case No. 188 of 2021, Excise G.R. No. 596 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 Special Judge, Excise Court no. I, Samastipur/concerned Court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Pooja/-  
Archana/-

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