

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44137 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- ARWAL District- Jehanabad

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Bittu Kumar Son of Binod Sao R/O Village- Arwal Sipah, P.S. And District-
Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Arwal P.S.

Case No. 222 of 2022 registered for the offence under Sections

30(a)/41 of the Bihar Prohibition and Excise Act, 2018.

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

custody since 04.07.2022.

The allegation against the petitioner is to be engaged in

illegal trading/manufacturing of illicit liquor, where, there is recovery

of 83.19 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioner

submitted that petitioner is neither owner nor driver of the alleged



vehicle from where illicit liquor was recovered. It is further submitted that nothing surfaced during investigation to connect petitioner with alleged vehicle. It is further submitted that the name of the petitioner surfaced on the basis of local chaukidar and admittedly, no illicit liquor was recovered from the 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 alleged 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 Arwal P.S. Case No. 222 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 In-charge Exclusive Special Judge, Excise Court No.-2, Jehanabad/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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