

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45285 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- HATHAURI District- Samastipur

Lalit Mandal Son of Late Bindeshwar Mandal @ Late Bindeshwari Mandal
R/O Village- Pura, P.S.- Hathauri (Shivajeenagar O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP 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 Hathauri (Shivajeenagar O.P.) P.S. Case No. 74 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.



The accused/petitioner is named in the F.I.R. and is in custody since 21.06.2022.

The allegation against the petitioner is to involve in the illegal trading of illicit liquor, where 376.500 liters of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor and, moreover, this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. While concluding the argument, it is categorically submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hathauri (Shivajeenagar O.P.) P.S. Case No. 74



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 Excise Court- 1st, Samastipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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