

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45922 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- DARIYAPUR District- Saran

Mani Kumar @Mani Ray Son of Shrista Ray Resident of Village - Dharma-
gat, P.S.- Dariyapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate

For the Opposite Party/s: Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2022 Heard learned counsel appearing on behalf of the peti-
tioner and learned APP 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 Dariyapur
P.S. Case No. 99 of 2022 registered for the offence under Sec-
tions 30, 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 22.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 200 litres of IMFL/country made liquor from tempo.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was not apprehended at the spot and
his name surfaced on the basis of disclosure made by



apprehended co-accused persons. It is submitted that recovery of illicit liquor was made from tempo, which was jointly occupied and as such it cannot be said to be recovered from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation of this case is complete, where charge sheet has been submitted, as such, there is no chance of tempering 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 conscious physical possession of the petitioner coupled with the fact that charge sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dariyapur P.S. Case No. 99 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 Additional District and Sessions Judge-II-cum-1st Exclusive Special Judge, Excise, Saran, Chapra/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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