

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46413 of 2022**

Arising Out of PS. Case No.-259 Year-2021 Thana- MITHANPURA District- Muzaffarpur

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KRISHNA RAY @ KISHNA KUMAR RAI Son of Wakil Ray @ Wakil Rai @
Mukul Rai Resident of Village - Kanhauli Vishundat, Mohan Sahani Tola,
P.S.- Mithanpura, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate
For the Opposite Party/s: Mr.Shyam Bihari Singh, APP

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

2 13-09-2022 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
Mithanpura P.S. Case No. 259 of 2021 registered for the
offence under Sections 414 and 34 of the I.P.C. and under
Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.03.2022.



The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 776.64 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from vehicle, which is not connected, in any manner, with the petitioner, where name of the petitioner surfaced on the basis of confessional statement of co-accused, as such, it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation of this case is complete, for which, 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 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 Mithanpura P.S. Case No. 259 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 Exclusive



Special, Excise Court No-1, Muzaffarpur/concerned court, sub-
ject to the conditions as mentioned under Section 437(3) of
Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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