

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48432 of 2022**

Arising Out of PS. Case No.-629 Year-2019 Thana- MINAPUR District- Muzaffarpur

Rajesh Roy @ Rajesh Yadav S/o Phuldev Rai @ Phuldev Yadav R/o Vill-
Khararu Tedha @ Khararu Dadha, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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

2 26-09-2022 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 Minapur P. S.
Case No. 629 of 2019 registered for the offence under Sections 272,
273, 420, 120(B), 414 IPC and 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 24.05.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 2157.12 litres of IMFL/country made liquor from the alleged
vehicle.

Learned counsel appearing on behalf of the petitioner



submitted that name of petitioner surfaced on the basis of disclosure made by driver of the alleged truck, where petitioner is not connected, in any manner, with alleged truck and recovery. It is further submitted that it is not a case of recovery of illicit liquor from conscious physical possession of this petitioner. While concluding the argument, it is submitted that investigation of this case 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 is not made from conscious physical possession of this 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 Minapur P.S. Case No. 629 of 2019 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.-I, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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