

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46611 of 2022

Arising Out of PS. Case No.-72 Year-2022 Thana- FULKAHA District- Araria

Ashish Kumar Son of Ashok Yadav R/V- Thalha, Ward No. 11, P.S-
Raghopur, Dist- Supaul Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 21-09-2022 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 Fulkaha
P.S. Case No. 72 of 2022 registered for the offence under Section
414 of I.P.C. and Sections 30(a) and 41(1) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.06.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 126 litres of illicit IMFL /country made liquor from
the alleged vehicle.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of illicit liquor was made from plastic bag, which is not connected in any manner with this petitioner and as such it cannot be said that recovery of illicit liquor was made from conscious physical possession of this petitioner, who is a man of clean antecedent and moreover, investigation of this case has been completed, 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 illicit liquor cannot be said to be 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 Fulkaha P.S. Case No. 72 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 Court of Special Judge (Excise), Araria/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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