

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47284 of 2022**

Arising Out of PS. Case No.-317 Year-2022 Thana- MURLIGANJ District- Madhepura

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NILESH KUMAR @ NILESH KUMAR KUSHWAHA Son of Late Kiran Mahto Resident of Village - Kushwaha Tola, P.s.- Barharwa, Distt.- Sahebganj (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.II, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-09-2022 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 Murliganj P.S. Case No. 317 of 2022 registered for the offence under Sections 30(a), 32(i)(ii), 36 and 41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 06.07.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 267 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been implicated in the present case, only for the reason, that he turned back his vehicle and run away, when another vehicle, running ahead, was apprehended with alleged illicit liquor. It is submitted that admittedly, recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it has been categorically 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 illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Murliganj P.S. Case No. 317 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 Sessions Judge-V-cum-Special



Excise-1st, Madhepura/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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