

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48156 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- DEODHA District- Madhubani

Dilip Kamat S/o Hajari Kamat R/o village- Shilanath, P.S.- Jayanagar,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
Mr. Gagan Deo Yadav, Advocate
Mr. Vinod Kumar, Advocate
Mr. Rajesh Kumar, Advocate A.G

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 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 Devdha
P.S. Case No. 63 of 2022 registered for the offence under
Sections 272, 273, 414, 34 of the I.P.C. and under Section 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 23.06.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 195 litres of IMFL/country made liquor from the vehicle.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from motor-cycle which is not connected in any manner with this petitioner and as such it cannot be said that recovery of alleged illicit liquor was made from conscious physical possession of this petitioner. It is categorically 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 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 Devdha P.S. Case No. 63 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-II-cum-Special Judge, Excise Act,



Madhubani/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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