

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49161 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- HATHAURI District- Samastipur

Sanjay Kumar Son of Sukhlal Mahto R/O Village- Madhu Tol, Ward No.-10,
P.S.- Khanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aprajita, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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2 27-09-2022 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 Hathauri P.S.
Case No. 37 of 2022 registered for the offence under Section 30(a) of
the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and is in
custody since 03.06.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 271.35 litres of illicit IMFL/country made liquor from
Bolero Pickup Van.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor was made from



Bolero vehicle, which was parked in abandoned condition, where name of petitioner surfaced during the course of investigation as driver on the basis of confessional statement of apprehended co-accused namely, Upendra Mahto. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is complete, where 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 admittedly, recovery of illicit liquor was 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 Hathauri P.S. Case No. 37 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 Special Excise Court-I, Samastipur/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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