

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52482 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- SONBERSA District- Sitamarhi

Santosh Kumar @ Santosh Kumar Rai Son of Late Chulhai Rai @ Late
Chulai Rai R/O Village- Parariya, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Sonbarsa
P.S. Case No. 272 of 2021 registered for the offence under
Sections 414 IPC and 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 22.03.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 452.400 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused namely, Santosh Kumar Singh son of Nagendra Rai and admittedly, no recovery of illicit liquor was made from physical possession of this petitioner. While concluding the argument, it has been submitted that investigation of this case has been completed, 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 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 Sonbarsa P.S. Case No. 272 of 2021 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 Judge Exclusive Special Excise Court-1, Sitamarhi/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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