

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52468 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- LAKHNAUR District- Madhubani

Bhupesh Kumar @ Bipin Kumar Yadav Son of Late Siyaram Yadav Resident
of village - Kishnipatti, P.S.- Phulprash, District – Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, 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 Lakhnaur P.S.
Case No. 139 of 2022 registered for the offence under Sections 429,
467, 468, 471, 120(B) and 34 of the Indian Penal Code and under
Sections 30(A), 32(i)(B), 36 and 41(I) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.07.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 1790.390 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that petitioner having of no concern with alleged pick up van from where, alleged illicit liquor was recovered and as such it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of this petitioner. . While concluding the argument, it is 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 the conscious physical possession of the 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 Lakhnaur P.S. Case No. 139 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 Judge, Excise Act, Jhanjharpur/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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