

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52397 of 2022

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

Jitendra Kumar Son of Ramchalitar Choudhary, Resident of Village -
Ratanpur, P.s.- Baryarpur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, 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 Murliganj
P.S. Case No. 317 of 2022 registered for the offence under
Section 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 is
recovery of 267.750 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner not apprehended on spot and admittedly, the recovery of illicit liquor was not made from his physical possession. Petitioner is a man of clean antecedent and moreover, 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 has not been 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 both 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 Judge, Excise-Ist, Madhepura/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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