

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53312 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- HATHUA District- Gopalganj

Abhishek Kumar Pandey Son of Jitendra Pandey R/V- Semraw, P.S- Mirganj,
Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-10-2022 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 Hathua P.S.
Case No. 141 of 2022 registered for the offence under Sections 30(a)
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 13.08.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 52 litres of IMFL/country made liquor from the alleged
motorcycle bearing registration no. BR 29T 2747.

Learned counsel appearing on behalf of the petitioner
submitted that bag, in which illicit liquor was found, is not connected



in any manner with petitioner and, as such, it cannot be said that recovery of illicit liquor was made from his conscious possession, who is a man of clean antecedent. While concluding the argument, it has categorically been submitted that investigation 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 not appears from conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hathua P.S. Case No. 141 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 Court of Additional Session Judge II-cum-Special Judge Excise-1, Gopalganj/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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