

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56564 of 2022

Arising Out of PS. Case No.-287 Year-2020 Thana- WARISNAGAR District- Samastipur

Binod @ Dhillu @ Binod Kumar @ Binod Kali Son of Deewan @ Deewan Singh Resident of Village - House no.1766, Dinod, P.s.- Sadar Bhiwani, Distt.- Bhiwani (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the State : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-11-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP 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 Warisnagar P.S. Case No. 287 of 2020 registered for the offence under Sections 467, 468, 471 and 120(B) of Indian Penal Code and Sections 30(a), 36 and 41(1) of Bihar Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 21.07.2022.

The allegation against the petitioner is to have in possession of 3104.25 liters of IMFL, which was recovered



from a truck.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Birendra and, admittedly, recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is further submitted that co-accused, namely, Birendra has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 27422 of 2021 dated 23.11.2021. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances. as mentioned above, as recovery not appears to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Warisnagar P.S. Case No. 287 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of Special Judge Excise-02,
Samastipur/concerned Court, subject to the conditions as laid
down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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