

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54633 of 2022

Arising Out of PS. Case No.-448 Year-2022 Thana- MADHEPURA District- Madhepura

Tuntun Kumar @ Gulten Kumar Son of Kari Yadav @ Suraj Yadav R/V-
Chakla Sripur, Ward No. 14 , P.S- Madhepura, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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
Madhepura P.S. Case No. 448 of 2022 registered for the offence
under Section 30(a)(c) of the Bihar Prohibition and Excise Act,
2018.

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



custody since 03.06.2022.

The allegation against the petitioner is to have in possession of 70.920 liters of foreign liquor, which was recovered from a car.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the jointly occupied car, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is further submitted that seizure list appears disputed being not supported by independent witnesses rather by police personnel. 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 of illicit liquor was made from jointly occupied vehicle, where petitioner is a man of clean antecedent 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 Madhepura P.S. Case No.



448 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-I, Madhepura/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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