

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54572 of 2022

Arising Out of PS. Case No.-232 Year-2019 Thana- NAUBATPUR District- Patna

Satish Kumar @ KALA Son of Om Prakash Resident of Karsala, Karsola,
Julana, P.S- Julana, Dist- Jind (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, 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 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 Naubatpur
P.S. Case No. 232 of 2019 registered for the offence under
Sections 30(a), 38(i)(ii) of the Bihar Prohibition and Excise Act,
2018 and Sections 420 and 188 of Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.06.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 2227.5 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner implicated in this case only for the



reason that he is the registered owner of the alleged container from which recovery of illicit liquor was made. It is further submitted that admittedly, recovery of illicit liquor was not made from conscious physical possession of this petitioner, who is a man of clean antecedent and moreover, 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 not appears from conscious physical possession of this 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 Naubatpur P.S. Case No. 232 of 2019 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 Excise Judge, Danapur (Patna)/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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