

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54899 of 2022**

Arising Out of PS. Case No.-472 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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TINKU KUMAR Son of Late Devendar Ray Resident of village - Sararia,
P.S.- Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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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

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 Nagar

P.S. Case No. 472 of 2022 registered for the offence under

Sections 30(a), 32(ii)(iii) and 41(i) of the Bihar Prohibition and

Excise Act, 2018 and under Section 420, 467, 471 and 120(B) of

the Indian Penal Code.

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



custody since 01.08.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 720 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended at the spot and his name surfaced on the basis of confessional statement of the co-accused person and, as such, admittedly, recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious physical possession of the 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 Nagar P.S. Case No. 472 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 Exclusive Special



Excise Court No-I, Aurangabad/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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