

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54601 of 2022

Arising Out of PS. Case No.-439 Year-2022 Thana- DEHRI TOWN District- Rohtas

Sushil Kumar @ Vipul Yadav @ Bipul Yadav Son of Birendra Singh @
Veerendra singh R/V- Paryag Bigha, P.S- Dalmianagar Dehri, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, 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 Dehri
Dalmiyanagar P.S. Case No. 439 of 2022 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.06.2022.

The allegation against the petitioner is to be involved
in illegal trading of illicit liquor, where 165 liters of country
made was recovered.



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. It is submitted that seizure list witnesses are police personnel, which creates a doubt over the entire seizure/recovery. It is further pointed out that petitioner is involved in four criminal cases, in which one case is of excise and rest three cases are registered under Indian Penal Code, where petitioner is on bail in all cases. 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 is not appearing 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 Dehri Dalmiyanagar P.S. Case No. 439 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 Judge Excise-I, Rohtas at
Sasaram/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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