

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56408 of 2022

Arising Out of PS. Case No.-539 Year-2022 Thana- BIHTA District- Patna

=====

Kundan Sharma Son of Gauri Shankar Sharma R/O Village- Shiv Mandir
Road, Dopulwa, P.S.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 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 Bihta
(Neora) P.S. Case No. 539 of 2022 registered for the offence
under Sections 30(a), 30 (ii) and 41 of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 283.05 litres of IMFL/country made liquor from the
co-accused.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner disclosed by the apprehended persons, namely, Mukesh Kumar and Santosh Kumar, from where illicit liquor was recovered. It is submitted that the name of petitioner surfaced for the reason that he was the person, who supposed to receive the consignment of illicit liquor, as disclosed by apprehended persons. It is further submitted that the seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has categorically been submitted that investigation has been completed, for which, 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 alleged illicit liquor was not made from the 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 Bihta (Neora) P.S. Case No. 539 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 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)

pooja/-

U		T	
---	--	---	--

