

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56051 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- RANIYATALAB District- Patna

Vivek Kumar @ Bhonu Son of Sri Jagarnath Ray Resident of Village-
Lalpokhar Dighi Kala, P.S.- Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh 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.

At the outset, learned counsel for the petitioner
submitted that inadvertently, custody period of the petitioner in
the in Para-13 of the bail petition, has been wrongly typed as
'30.07.2022' instead of '23.03.2022'.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction, during the course of the
day itself.

The petitioner seeks bail in connection with Rani
Talab P.S. Case No. 54 of 2022 registered for the offence under
Sections 30(a), 32(ii)(iii), 36 and 41(i)(ii) of the Bihar



Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 23.03.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 699.84 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of apprehended co-accused driver and admittedly, no alleged illicit liquor was recovered from the conscious physical possession of this petitioner. It is further submitted that maximum allegation surfaced, during the course of investigation, that petitioner was supposed to receive the consignment of seized illicit liquor. 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 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 Rani Talab P.S. Case No. 54 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)

R.S.Sen/-

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