

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55155 of 2022

Arising Out of PS. Case No.-428 Year-2021 Thana- BARH District- Patna

Mukesh Kumar Son of Shivvalak Yadav @ Shibalak Yadav @ Shivilak Prasad
Resident of Village- Talimpur, Gulab Bagh, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the State : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Barh P.S.
Case No. 428 of 2021 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.09.2022.

The allegation against the petitioner is to be involved
in illegal trading of illicit liquor, where 30.6 liters of English
wine was recovered.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of illicit liquor was made from open
road and not from the conscious physical possession of the



petitioner. It is further pointed out that the petitioner is involved in 6 more criminal case, out of which remanded in four cases under confession due to similarity of name. 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 was made from open place, which is accessible by general public 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 Barh P.S. Case No. 428 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Barh, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-
S.Tripathi/-

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