

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56608 of 2022

Arising Out of PS. Case No.-338 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Pankaj Singh @ Pankaj Kumar S/o- Bhukhal Singh @ Bhukhleshwar Singh
R/o Village- Baghi, P.S.- Samastipur Muffasil, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the State : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-11-2022 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
Samastipur Muffasil P.S. Case No. 338 of 2022 registered for
the offence under Sections 272 and 273 of the Indian Penal
Code and Sections 30(a), 41(1) and 41(2) of the Bihar
Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.08.2022.

The allegation against the petitioner is to be involved



in the illegal trading of illicit liquor, where 1086.480 liters of illicit liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from pick-up van parked abandoned in front of the house of the petitioner, where 135 liters of illicit liquor was recovered from '*Baithka*', which is an open place and accessible by general public and, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of the petitioner, who is a man of clean antecedent. 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 not appears to be made 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 Samastipur Muffasil P.S. Case No. 338 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 Judge, Excise Act, Court-1, Samastipur/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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