

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61143 of 2022

Arising Out of PS. Case No.-332 Year-2022 Thana- KATEYA District- Gopalganj

Ratnesh Kumar Sharma S/o- Late sudama Sharma R/o Village- Hatokhar,
P.O.- Mubarakpur, P.S.- Manjhi, District- Chapra, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel 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 Kateya
P.S. Case No. 332 of 2022 registered for the offence under
Sections 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 21.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 157.300 litres of IMFL/country made liquor from
the alleged Tempo.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was neither owner nor driver or connected in any manner with alleged recovery of illicit liquor or alleged vehicle and, as such, it can be safely said that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. It is submitted that petitioner took a lift for local destination, where nothing surfaced during the course of investigation to connect him with alleged recovery of illicit liquor. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument, it has 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 not appears to be made from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kateya P.S. Case No. 332 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 Additional Sessions Judge-II-cum Special Judge, Excise, Gopalganj, Bihar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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