

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60409 of 2022

Arising Out of PS. Case No.-308 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

UPENDRA SINGH Son of Ramjanam Singh Resident of village -
Kunwerpur, P.S.- Kalyanpur, District - Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-11-2022 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

Kuchaikote P.S. Case No. 308 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 09.07.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 354.750 litres of IMFL/country made liquor from



the alleged vehicle.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was the driver of the alleged car, where nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge to have in consignment of illicit liquor and, as such, it cannot be safely suggest that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, 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 Kuchaikote P.S. Case No. 308 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 A.D.J. II-cum-Special Excise Judge,



Gopalganj/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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