

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56278 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- PAKRIDAYAL District- East Champaran

Bharat Prasad @ Bharat Kumar Son of Chhathu Prasad Resident of Village -
Sirha, P.S.- Pakaridayal, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Md. Nazir Ansari, 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.

The petitioner seeks bail in connection with Pakaridayal
P.S. Case No. 108 of 2022 registered for the offence under Sections
272, 273 and 34 of the Indian Penal Code and under Section 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 31.07.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 198.72 litres of IMFL/country made liquor from an open field.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor was made from an



open field of one Mukesh Prasad Kushwaha, where the name of petitioner surfaced on the basis of suspicion, as raised through local choukidar. It is further pointed out that petitioner involved in two more criminal cases, where he is on bail. 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 illicit liquor was made from an open field 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 Pakaridayal P.S. Case No. 108 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 Court of Special Judge Excise Court No. 2 at Motihari, East Champaran/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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