

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57717 of 2022

Arising Out of PS. Case No.-746 Year-2020 Thana- KANTI District- Muzaffarpur

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Rohit Kumar S/O Dilip Kumar Thakur Resident of village- Rasulpur, P.S.-
Karja, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-11-2022 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 Knati P.S.
Case No. 746 of 2020 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 18.07.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 1624.260 litres of IMFL/country made liquor from four different
vehicles and house of two co-accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced on the basis of



confessional statement of apprehended co-accused persons and admittedly, the recovery of illicit liquor was not made from the physical possession of this petitioner. It is further pointed out that the co-accused persons apprehended on spot has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 19927 of 2021 vide order dated 01.07.2021. 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 Kanti P.S. Case No. 746 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise), Court No. II, Muzaffarpur/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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