

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57898 of 2022**

Arising Out of PS. Case No.-165 Year-2022 Thana- PANDAUL District- Madhubani

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SANJIT KUMAR GUPTA @ SANJIT GUPTA S/o Jagdish Sah @ Jagdish
Gupta R/o Vill- Sarisab Pahi, P.S.- Pandaul, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Rajesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 18-11-2022 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 Pandaul
P.S. Case No. 165 of 2022 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Sections
30(a), 36, 38, 41(i) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.08.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of



1722.24 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from a bush, developed near Navtoli Kali Temple, which is an open place and accessible by general public, as such, it cannot be said that the alleged recovery was made from the conscious physical possession of the petitioner. It is further submitted that as petitioner found involved in four other similar nature of cases, he has been implicated, in present case also, without having any incriminating material. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already 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.

Considering the facts and circumstances as mentioned above, as recovery of 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 Pandaul P.S. Case No. 165 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 Act, Madhubani/concerned court, subject to conditions, as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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