

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57542 of 2022

Arising Out of PS. Case No.-559 Year-2017 Thana- SASARAM MUFFSIL District- Rohtas

Meni @ Deepu Kumar S/o Rameshwar Choudhary R/o - Amra Talab, P.S.-
Sasaram (Muffasil), District- Rohtas, Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deovind Kumar Singh, Advocate Mr. Utpal Kant, Advocate Ms. Anuradha Kumari, Advocate
For the Opposite Party/s	:	Mr. Nityanand, APP

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 Sasaram
(Town) Muffasil P.S. Case No. 559 of 2017 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 12.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 72 litres of IMFL/country made liquor from the



alleged vehicle.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Vijay Choudhary, and admittedly, there is no recovery of illicit liquor was made from the conscious physical possession of this petitioner. It is further submitted that even the alleged recovery was made from a government school, which is accessible by general public. 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 Sasaram (Town) Muffasil P.S. Case No. 559 of 2017 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



Excise-cum-Additional District and Sessions Judge, Rohtas at
Sasaram/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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