

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58461 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- JANDAHA District- Vaishali

Chhotu Kumar @ Amit Kumar S/O Sri Haribansh Narain Singh Resident of
Kalapahar, P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha, Advocate
	:	Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mrs .Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-11-2022 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 Jandaha
P.S. Case No. 127 of 2021 registered for the offence under
Sections 420, 465, 467, 468, 471, 120(B) of IPC and 30(a), 36,
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 12.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 5687.280 litres of illicit IMFL liquor/country



made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of secret information of the police for which no connecting evidence surfaced during the course of investigation. It is further submitted that admittedly, recovery of illicit liquor was not made from the conscious physical possession of this petitioner. It is also submitted that seizure list also appears doubtful being not supported by independent witnesses, rather by local Chaukidars. While concluding the argument, it has been submitted that petitioner was involved in one similar nature of case, where he is on bail and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from physical possession of this petitioner, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jandaha P.S. Case No. 127 of 2021 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 Exclusive
Special Excise, Court No. 1, cum Additional District and
Session Judge, Vaishali at Hajipur/concerned Court, subject to
the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

