

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58880 of 2022

Arising Out of PS. Case No.-511 Year-2021 Thana- KANTI District- Muzaffarpur

Sonu Kumar Son of Late Naresh Mahato Resident of Village- Damodarpur
Nunfar, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Manish Chandra Gandhi, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, 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 APP 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 Kanti P.S.
Case No. 511 of 2021 registered for the offence 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 14.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there was
recovery of 262.305 litres of illicit IMFL liquor/country made



liquor.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the shop of the petitioner, which is in the nature of general store, attended frequently by general public and as such it cannot be said that the recovery was made from the conscious physical possession of the petitioner. It is submitted that the seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that investigation in this case is complete for which charge-sheet has been submitted, and as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of alleged illicit liquor not appears to be made from conscious 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 Kanti P.S. Case No. 511 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 Special Judge, Excise Court No.2, Muzaffarpur/concerned



Court, subject to the condition as follows:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Sashila Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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