

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60390 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- BASOPATTI District- Madhubani

Virendra Mandal @ Birendra Mandal @ BILE MANDAL Son of Sate
Mandal Resident of village - Basopatti, P.S.- Basopatti, District – Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ratanakar Jha, Advocate
For the State	:	Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Basopatti P.S.
Case No.164 of 2022 registered for the offence under Sections
272, 273 and 34 and 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 20.09.2022.

The allegation against the petitioner is to be in



possession of illicit liquor, where, there was recovery of 75 litres of illicit Nepali liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot and admittedly recovery of illicit liquor was not made from his physical possession. It is submitted that petitioner is involved in three more criminal cases on the basis of suspicion due to said criminal antecedent, the petitioner has been implicated in the present case. While concluding the argument, it is categorically 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 for bail.

In view of the facts and circumstances as mentioned above, as the recovery of alleged illicit liquor not appears to be made from conscious physical possession of the 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 Basopatti P.S. Case No.164 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 the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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