

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58955 of 2022**

Arising Out of PS. Case No.-225 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Nitish Kumar S/O Sunil Sah R/O village- Adarsh Nagar, Ward No- 15, P.S-
Barauni

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Anshu Dhar Sharma, Advocate
For the State : Mr. Abhay Kumar Roy, APP

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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 Excise
P.S. Case No. 225 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

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



custody since 11.08.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 177.127 litres of illicit IMFL liquor/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor was made from the house of the petitioner which is jointly occupied by other family members and as such it cannot be said that the recovery of alleged illicit liquor was made from conscious physical possession of this petitioner. It is further submitted that compliance of the Section 100(4) of the Cr.P.C was not made mandatory in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed 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 Excise P.S. Case No. 225 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 Exclusive Special Excise Judge-II, Begusarai/concerned Court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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