

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60817 of 2022**

Arising Out of PS. Case No.-283 Year-2022 Thana- PIRPAINTI District- Bhagalpur

=====

Krishna Kumar @ Krishna Modi Son of Mahesh Modi R/V- Sikendarpur, P.S-
Mojahidpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Manoj Kumar Jha, Advocate
For the State : Mr. Mukesh Kumar Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 25-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

The petitioner seeks bail in connection with Pirpanti P.S.

Case No.283 of 2022 registered for the offence under Section

30(a) of the Bihar Prohibition and Excise Act, 2016.

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

custody since 30.08.2022.

The allegation against the petitioner is to be in illegal

possession of illicit liquor, where, there was recovery of 3 litres

of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that alleged bags is not connected in any manner with this petitioner and, as such, it can be safely gathered that recovery was not made from the physical possession of the petitioner. It is submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. It is pointed out that petitioner is involved in one more criminal case, where he is on bail. While concluding the argument, it is 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.

Considering the facts and circumstances as mentioned above as recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner, where seizure list appears doubtful being not supported by independent witnesses coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Pirpanti P.S. Case No.283 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



Special Judge Exclusive Excise Court No-2,
Bhagalpur/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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

