

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60638 of 2022

Arising Out of PS. Case No.-282 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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Anmol Kumar Son Of Lal Babu Sahni R/O Village- Baijnathpur, Ward No.
09, P.S.- Sour Bazar (BAIJNATHPUR O.P.), District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate
For the State : Mr. Asha Devi, APP

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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
Udakishunganj P.S. Case No.282 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 23.08.2022.

The allegation against the petitioner is to be involved
in illegal trade of illicit liquor, where, there was recovery of



213.84 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the jointly occupied vehicle, where petitioner took lift for local destination, having no connection either with vehicle or with illicit liquor. It is submitted that nothing surfaced during the course of investigation, which suggest that petitioner was not under knowledge to have in possession of illicit liquor, and as such, it can be safely gathered that recovery was not made from conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, 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 petitioner is a man of clean antecedent coupled with the fact that chargesheet has already submitted, let above named petitioner



directed to be released on bail in connection with
Udakishunganj P.S. Case No.282 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
District and Sessions Judge V-cum-Special Judge, Excise Act I,
Madhepura/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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