

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62101 of 2022

Arising Out of PS. Case No.-316 Year-2022 Thana- BAKHTIYARPUR District- Patna

Chhote Kumar @ Chhotu Kumar Son of Ranjeet Ram Resident of village -
Belthan, P.S.- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bakhtiyarpur P.S. Case No. 316 of 2022 registered for the
offence under Section 272 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act.



The accused/petitioner is named in the F.I.R. and is in custody since 11.07.2022.

The allegation against the petitioner is to have in possession of 93.840 liters of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the hosue of the petitioner, which was jointly occupied by other family members and, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of the petitioner. It is further submitted that compliance of Section 100(4) of the Cr.P.C. was not made in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection



with Bakhtiyarpur P.S. Case No. 316 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 Special Judge, Excise, Barh, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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