

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62565 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- AMBA District- Aurangabad

Chandan Gupta @ Chandan Kumar Gupta S/o Late Ganesh Sah R/v- Mauje
Bazar Jiwdhara, Surujpur Koiriya Tola, P.S.- Pipra Kothi, District- East
Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63906 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- AMBA District- Aurangabad

Kindev Prasad @ Kindeo Sah @ Kishandeo Prasad Son of Jaglal Sah R/v-
Ghosrai, P.S.- Harsidhi, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62565 of 2022)

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 63906 of 2022)

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022

Cr. Misc. No. 62565 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Amba P.S. Case No. 149 of 2021 registered for the offence under Sections 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 02.09.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2541.600 litres of IMFL/country made liquor from the alleged truck.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner transpired on the basis of confessional statement of co-accused Raja Kumar, where nothing surfaced during the course of investigation, which may connect this petitioner with alleged recovery of illicit liquor. It is submitted that the name of petitioner surfaced in present case only for his criminal antecedents, as he found involved in 6 criminal cases, where he is on bail and in maximum of cases, the name of petitioner surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this 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 Amba P.S. Case No. 149 of 2021 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-1, Aurangabad/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

Cr. Misc. No. 63906 of 2022

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(Chandra Shekhar Jha, J)

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