

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62170 of 2022

Arising Out of PS. Case No.-239 Year-2020 Thana- BACHHWARA District- Begusarai

Sita Ram Rai @ Baba @ S.T.R. S/o Triveni Rai R/o Kodarkala, Motipur, P.S.-
Motipur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the State : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 At the outset, learned counsel for the petitioner submitted that in the prayer portion, at page no.6, of the bail petition, inadvertently, name of district has been wrongly typed as 'Behusarai' instead of 'Begusarai'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

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 Bachwara P.S. Case No. 239 of 2020 registered for the offence under



Sections 414, 467, 468, 471 and 120B of the Indian Penal Code and Section 30(a), 32(2) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 12.07.2022.

The allegation against the petitioner is to be involved in the illegal trading of illicit liquor, where 3616.200 liters of IMFL was recovered.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of driver of the alleged truck, from where recovery of illicit liquor was made and, admittedly, recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. It is also pointed out that as petitioner is involved in 15 more criminal cases, his named surfaced in the present case only, where in most of the cases name of the petitioner surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it is submitted that 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 Bachwara P.S. Case No. 239 of 2020 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-I, Begusarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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