

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64557 of 2022

Arising Out of PS. Case No.-40 Year-2020 Thana- MANIYARI District- Muzaffarpur

Dilip Kumar S/o Shiv Kumar Paswan R/o Village- Sonbarsa, P.S.- Maniyari,
Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the State : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 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 Maniyari P.S. Case No. 40 of 2020 registered for the offence under Sections 30(a), 34, 36, 38, 41, 56(d) and 56(E) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 22.07.2022.



The allegation against the petitioner is to be involved in illegal trading of illicit liquor, where 428.475 liters of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that maximum quantity of illicit liquor was recovery of '*Baithaka*' of the house of the petitioner, which is accessible by general public and rest of the quantity was recovered from different vehicles and, as such, recovery of illicit liquor was not made from the conscious physical possession of the petitioner. 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, who is a man of clean antecedent coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maniyari P.S. Case No. 40 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 Special Judge (Excise), Court No.2, Muzaffarpur/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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