

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64562 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Mukesh Kumar S/O Parmanand Ray Resident of village- Basti Khwajapur,
P.S.- Baligaon, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha, Advocate
For the State	:	Mr. Ajay Kumar Jha, 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 Musarigharari P.S. Case No. 157 of 2022 registered for the offence under Sections 467, 468, 471, 420 and 34 of the Indian Penal Code and Sections 30(a), 32, 36 and 41 of the Bihar Prohibition and Excise Act.



The accused/petitioner is named in the F.I.R. and is in custody since 14.09.2022.

The allegation against the petitioner is to be involved in illegal trading of illicit liquor, where 874.44 liters of IMFL was recovered.

Learned counsel appearing on behalf of the petitioner submitted that nothing surfaced during the course of investigation to connect this petitioner, *prima facie*, with the alleged recovery of illicit liquor. It is further submitted that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. 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 Musarigharari P.S. Case No. 157 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), Court No.1, Samastipur/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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