

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63634 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- BITHAN BAZAR District- Samastipur

Naresh Kumar @ Naresh Yadav Son of Bachcha Yadav @ Bachchu Yadav
Resident of Village- Sihma, P.S.- Bithan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Biha

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65617 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- BITHAN BAZAR District- Samastipur

1. Munna Kumar Son of Saryug Yadav R/O Vill.- Surha Basantpur, P.S.-
Hasanpur, Distt.- Samastipur
2. Pappu Kumar Son of Yugeshwar Yadav R/O Vill.- Surha Basantpur, P.S.-
Hasanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67158 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- BITHAN BAZAR District- Samastipur

Kundan Yadav @ Kundan Kumar S/O Dasharath Yadav Resident of village-
Sihma, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63634 of 2022)

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 65617 of 2022)

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 67158 of 2022)

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate



For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 **Cr. Misc. No. 63634 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 Bithan Bazar P.S. Case No. 164 of 2022 registered for the offence under Sections 30(a), 32(1), 32(2) and 41(1) of the Bihar Prohibition and Excise Act, 2018 and under Sections 419, 420, 467, 471 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 16.09.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2190.600 litres of IMFL/country made liquor from the alleged Bus.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery was made from a white coloured bus, which was occupied by several public and, as such, it cannot be said that recovery was made from conscious physical possession of this petitioner. It is submitted that seizure list appears doubtful being



not supported by independent witnesses rather by police personnels. 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 Bithan Bazar P.S. Case No. 164 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 Excise Court 1st, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

Cr. Misc. No. 65617 of 2022

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

The petitioner seeks bail in connection with Bithan Bazar



P.S. Case No. 164 of 2022 registered for the offence under Sections 30(a), 32(1), 32(2) and 41(1) of the Bihar Prohibition and Excise Act, 2018 and under Sections 419, 420, 467, 471 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 13.09.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2190.600 litres of IMFL/country made liquor from the alleged Bus.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery was made from a white coloured bus, which was occupied by several public and, as such, it cannot be said that recovery was made from conscious physical possession of this petitioner. It is submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. 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.

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Cr. Misc. No. 67158 of 2022

Heard the parties.

It appears that matter is related with anticipatory bail, which is wrongly listed before this Court.

Registry is directed to list this matter before appropriate Bench under the kind order of Hon'ble Chief Justice.

(Chandra Shekhar Jha, J)

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