

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64032 of 2022

Arising Out of PS. Case No.-306 Year-2021 Thana- PIPRAKOTHI District- East Champaran

Amarjeet Mandal Son of Arun Mandal R/O Vill.- Parsa, P.S.- Arariya
Sangram (O.P.), Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64037 of 2022

Arising Out of PS. Case No.-306 Year-2021 Thana- PIPRAKOTHI District- East Champaran

Bhupesh Kumar @ Bipin Kumar Yadav son of late siya ram yadav resident of
village- kishnipatti, p.s.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64032 of 2022)

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 64037 of 2022)

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022

(In Cr. Misc. No. 64032 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 Piprakothi
P.S. Case No. 306 of 2021 registered for the offence under Sections
272, 273/34 of Indian Penal Code and 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 03.09.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 1408.14 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that allegation against this petitioner is to wait for receiving the consignment of illicit liquor and, as such it can be safely said that recovery of illicit liquor was not made from conscious physical possession of this petitioner, where the name of petitioner surfaced on the basis of disclosure made by the driver of the bus. It is further submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is also submitted that petitioner was involved in 4 more criminal cases of similar nature, where he is on bail. While concluding the argument, it has been submitted that investigation of this case is 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 illicit liquor not appears to be made from physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Piprakothi P.S. Case No. 306 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 Exclusive Special Excise Court No. 1, East Champaran at Motihari/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(In Cr. Misc. No. 64037 of 2022)

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Archana/-

(Chandra Shekhar Jha, J)

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