

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65289 of 2022

Arising Out of PS. Case No.-481 Year-2022 Thana- KADAMKUAN District- Patna

Sonu Kumar S/o Late Ramchandra Das R/v- Sasaiya, P.S.- Samastipur, District- Samastipur, A/P Bahadurpur Jhoparpatti, P.S.- Bahadurpur, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Bishwa Bijay Kumar, Advocate
For the State	:	Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 At the outset, learned counsel for the petitioner submitted that in the prayer portion, at page no.4, of paragraph.6, of the bail petition, inadvertently, date of custody has been wrongly typed as '05.09.2020' instead of '05.09.2022'.

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 pe-



tioner and learned APP appearing on behalf of the State through virtual Court proceedings.

The petitioner seeks bail in connection with Kadamkuan P.S. Case No.481 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 05.09.2022.

The allegation against the petitioner is to be in possession of illicit liquor, where, there was recovery of 100 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from an open place, near the **Golamwar Stadium, Patna** clearly suggesting thereof that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned



above as recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Kadamkuan P.S. Case No.481 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, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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