

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64850 of 2022

Arising Out of PS. Case No.-338 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Sanni Kumar Gupta @ Shanni Kumar Gupta S/o Umesh Kumar Gupta R/o-
Pachhiyari Tola Gobarsahi, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 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
Muzaffarpur Excise P.S. Case No. 338 of 2022 registered for the
offence under Sections 30(a), 32(3) and 36 of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.09.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 422.28 litres of IMFL/country made liquor from the house of co-accused person.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced in this case on the basis of disclosure made by one co-accused Sumit Sai@Ranjan Kumar, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 42697 of 2022 vide order dated 01.09.2022. It is further pointed out that seizure list appears doubtful being not supported by independent witnesses rather by excise constables. 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 been submitted, let the petitioner, above named, is directed to be released on bail in connection with Muzaffarpur Excise P.S. Case No. 338 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
Court of Learned Special Judge Court No. II,
Muzaffarpur/concerned court, subject to the conditions as
mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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