

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66313 of 2022

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

Umesh Sah @ Umesh Kumar Sah @ Umesh Kumar S/o Late Rampukar Sah
R/o Village- Darhia Belar, P.S.- Mufassil (Samastipur), PIN-848129, Distt-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

The petitioner seeks bail in connection with Musrigharari 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 Section 30(a), 32, 36 and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

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, there was recovery of 874.44 litres of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was apprehended from different vehicle (Tata Nano), whereas recovery of alleged illicit liquor was made from pickup van/truck, where merely, on the basis of suspicion, as petitioner is involved in two more cases of similar nature, so apprehended in the present case without having any connecting evidence. It is admittedly submitted that recovery of alleged illicit liquor was not made from the conscious physical of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, 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 alleged illicit liquor not appears to be made from 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 Musrigharari 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 Excise Court I, Samastipur/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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