

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66451 of 2022

Arising Out of PS. Case No.-462 Year-2022 Thana- BEUR District- Patna

Binod Kumar S/o Lal Babu Ray R/v- Harishchandra Nagar, near Double
Transformer (Sipara), P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nath, 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 Beur P.S.
Case No.462 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.09.2022.

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

Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced on the basis of



disclosure made by co-accused, namely Dilip Kumar, and as such, it can be safely gathered that recovery not appears to be made from the conscious physical possession of the petitioner. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. It is also submitted that as petitioner found involved in 3 more criminal cases, where he is on bail, his name surfaced in the present case out of suspicion due to said criminal antecedents, without having any connecting evidence. 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 alleged illicit liquor not appears to be made from conscious physical possession of the petitioner in the background of doubtful seizure list coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Beur P.S. Case No.462 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 Act,
Patna/concerned court, subject to the conditions as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

U		T	
---	--	---	--

