

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67872 of 2022

Arising Out of PS. Case No.-322 Year-2022 Thana- MITHANPURA District- Muzaffarpur

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Sujeet Kumar @ Sujit Kumar Son of Uma Shankar Singh R/O Rajput Tola,
Kanhauli Bishundatt, P.S.- Mithanpura, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Ranjan, Advocate
		Mr. Dhananjay Prasad, Advocate
For the Opposite Party/s :		Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Mithanpur P.S. Case No. 322 of 2022 registered for the offence
under Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.10.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 1174.83 litres of IMFL/country made liquor from



the alleged vehicle.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot, where no illicit liquor was recovered from his physical possession. It is also submitted that the name of petitioner surfaced in this case only on the basis of suspicion, as raised by local villagers. It is also submitted that the name of petitioner surfaced in present case also out of suspicion arises out from his criminal antecedents, as he found involved in 4 more cases, where he is on bail.

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, let the petitioner, above named, is directed to be released on bail in connection with Mithanpur P.S. Case No. 322 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 Exclusive Special Excise Court No. 1, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:



“Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.”

(Chandra Shekhar Jha, J)

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