

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66860 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- KATRA District- Muzaffarpur

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Avinash Mandal @ Chhotu Mandal Son Of Bahadur Mandal R/O Village-
Yajuar, P.S.- Katra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 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 Katra P.S.

Case No. 62 of 2021 registered for the offence under Sections
30(a) and 32 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 28.01.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there

was recovery of 3392.640 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the house of the petitioner in his absence without compliance of Section 100(4) of the Cr.P.C. It is submitted that house is jointly occupied by other family members and, as such, it cannot be said that said recovery was made from the physical possession of this petitioner. It is submitted that petitioner found involved in two (2) more cases of different nature. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of 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 Katra P.S. Case No. 62 of 2021 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:

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

(Chandra Shekhar Jha, J)

R.S.Sen/-

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