

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67084 of 2022

Arising Out of PS. Case No.-542 Year-2022 Thana- DHANARUA District- Patna

Shiv Kumar @ Shadhu Kumar @ Shadhu Son of Late Sidhnath Saw @
Shidnath Sha R/v- Birachi, P.S.- Dhanarua, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, 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 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 Dhanarua
P.S. Case No. 542 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.09.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 273.75 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is cleaner of the alleged vehicle, from where alleged illicit liquor was recovered, whereas nothing surfaced/recovered, during the course of investigation, which may suggest that petitioner was under knowledge to carry the consignment of illicit liquor. It is further submitted that seizure list is appearing doubtful, being not supported by independent witnesses rather by police perssonel. While concluding the argument, it is submitted that petitioner is a man of clean investigation and, moreover, 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 seizure list appearing doubtful, being not supported by independent witnesses, where petitioner is a man of clean antecedent 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 Dhanarua P.S. Case No. 542 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, Patna/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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