

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68051 of 2022

Arising Out of PS. Case No.-314 Year-2017 Thana- MALSALAMI District- Patna

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Dhiraj Kumar @ Dhiraj Yadav Son of Late Suresh Yadav R/v- Chutikiya
Bazar, P.S.- Malsalami, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Mal
Salami P.S. Case No. 314 of 2017 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.09.2022.

The allegation against the petitioner is to be involved
in illegal trading of illicit liquor, where 31 liters of English wine
was recovered.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended at the spot, where name of the petitioner surfaced on the basis of secret input. It is submitted that, admittedly, recovery of illicit liquor was not made from the conscious physical possession of the petitioner. While travelling over the argument, it is submitted that seizure list appears doubtful being not supported by independent witnesses rather by Bihar Home Guard personnel. While concluding the argument, it is submitted that petitioner is involved in ten more criminal cases and due to said suspicion arises out of criminal antecedent, he has been implicated in the present case also, where he is on bail in eight cases and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection



with Mal Salami P.S. Case No. 314 of 2017 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 City/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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