

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68777 of 2022

Arising Out of PS. Case No.-448 Year-2022 Thana- BARBIGHA District- Sheikhpura

Sudhir Kumar Son of Late Kapildeo Prasad Resident of Village- Sasaur, P.S.-
Sarmara, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 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 Barbigha
(Keoti O.P.) P.S. Case No. 448 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 19.10.2022.

The allegation against the petitioner is to involve in
illegal trading/manufacturing of foreign liquor, where 76.5 liters
of IMFL/country made liquor was recovered from the alleged
vehicle.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the dickey of Swift Dzire car, which was not in knowledge of the petitioner. It is also pointed out that the seizure list witnesses are police personnels and not independent witnesses. While concluding the argument, it is categorically submitted that the petitioner is a man of clean antecedent and moreover, the 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 cannot be said to be made from the conscious physical possession of this petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barbigha (Keoti O.P.) P.S. Case No. 448 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 Judge, Sheikhpura/concerned Court, subject to the conditions as



laid down u/s 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)

pooja/-

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

