

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6279 of 2023**

Arising Out of PS. Case No.-161 Year-2019 Thana- RAFIGANJ District- Aurangabad

ANUJ KUMAR Son of Brajesh Singh R/o village - Gothani, P.S.- Rafiganj,
Dist.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 22-06-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Rafiganj P.S.

Case No. 161 of 2019 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 21.11.2022.

The allegation against the petitioner is to have in
possession of 28 litres of illicit liquor and also to involved in illegal
trading of the same.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was not connected in any manner with the
alleged car, from where, illicit liquor was recovered. It is submitted
that mere out of suspicion, as petitioner running away on his
motorcycle from the place of occurrence, where alleged car turned,
he was implicated with present case, without having any connecting



evidence. While concluding the argument, it is submitted that petitioner found involved in 03 more criminal cases, where, he is on bail and moreover, investigation of this case has completed, for which, charge-sheet has already 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.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor is not made form conscious physical possession of the petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.11.2022, let the petitioner, above named, is directed to be released on bail in connection with Rafiganj P.S. Case No. 161 of 2019, 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, First, Aurangabad/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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