

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41695 of 2023

Arising Out of PS. Case No.-86 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Vikash Kumar Son of Upendra Ray Resident of village - Balha ward no. 09,
P.S. - Chakmehsi, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Excise Case No. 86 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 29.03.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,



there is recovery of 684 litres of IMFL/country made liquor.

6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the “*Angan*” of the petitioner, where houses are jointly occupied by different family members and as such it can be said safely that alleged recovery of illicit liquor was not made from conscious physical possession of this petitioner, who is a man of clean antecedent. It is submitted that the compliance of Section 100(4) of Cr.P.C. not appears to be followed in present case. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor appears to be made from jointly occupied house coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 29.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Excise Case No. 86 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to



the satisfaction of the Court of learned Special Judge (Excise)-
02, Samastipur/concerned court, subject to the conditions as
mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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