

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40551 of 2023

Arising Out of PS. Case No.-135 Year-2022 Thana- BARAUNI District- Begusarai

Mister Kumar S/O Pramod Roy R/O Village- Rachiyahi- Balahpur Tola Ward
No. 03, PS. Muffasil, Dist. Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-07-2023 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
Barauni (F.C.I. O.P.) P.S. Case No. 135 of 2022 registered for
the offence under Section 30(a) and 41(i) of the Bihar
Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 29.04.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 1157.360 litres of IMFL/country made
liquor from the place of occurrence.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot and his name appears in this case on the basis of disclosure made by co-accused persons, namely, Kundan and Bandan, which is sufficient to suggest that no illicit liquor appears to be recovered from conscious physical possession of this petitioner. It is also submitted that in furtherance of disclosure of co-accused, no incriminating material appears against this petitioner as to connect him with present recovery of illicit liquor. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, 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 recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 29.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Barauni (F.C.I. O.P.) P.S. Case No.



135 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-i, Begusarai/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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