

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41638 of 2023

Arising Out of PS. Case No.-736 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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SUSHIL KUMAR Son of Raj Kumar Rai @ Raj Kumar Ray Resident of
Ward No.- 14, Village - Sondho @ Sondho Ratti, P.S.- Goraul, District -
Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-07-2023 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

Darbhanga Excise P.S. Case No. 736 of 2023 registered for the
offence under Sections 30(a) Bihar Prohibition and Excise Act,
2018.

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

in custody since 30.04.2023.

5. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor, where,

there is recovery of 36 litres of IMFL/country made liquor from



the jointly occupied car.

6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery appears to be made from jointly occupied car and, as such, it cannot be said that recovery was made from conscious physical possession of this petitioner. It is submitted that seizure list appears doubtful, being not supported by independent witnesses, rather by Bihar Home-guard personnels. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases of similar nature, where he is on bail 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 and by taking note of the fact as alleged recovery of illicit liquor appears to be made from jointly occupied car coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Darbhanga Excise P.S. Case No. 736 of 2023 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 Judge-1 (Excise Act), Darbhanga/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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