

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40021 of 2023

Arising Out of PS. Case No.-239 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Govind Kumar Singh @ Govind Kumar S/O Sakaldev Singh Resident Of
Village-Kakara Chowk, P.S.-Bochaha, District-Muzaffarpur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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
Runnisaaidpur P.S. Case No. 239 of 2023 registered for the
offence under Sections 120 of the Indian Penal Code and
Sections 30(a), 32(i)(ii), 36, 41(i)(ii) of the Bihar Prohibition
and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.05.2023.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 2428.14 litres of foreign liquor from the alleged



Pick Up Vans.

Learned counsel appearing on behalf of the petitioner submitted that the alleged vehicles i.e. Mahindra Pick Up Vans were occupied by different persons including this petitioner when alleged raid was conducted. It is submitted that petitioner was not apprehended sitting inside the vehicle rather as he was standing nearby being owner of the vehicle, he was apprehended with present case. It is submitted that the fact of this case suggest that alleged recovery not appears to be made from physical possession of this petitioner. It is further submitted that even the seizure list is also appearing doubtful as same is not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as alleged illicit liquor not appears to be recovered from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.05.2023, accordingly, petitioner



above named, is directed to be released on bail in connection with Runnisaidpur P.S. Case No. 239 of 2023 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 Court No. I, Sitamarhi/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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