

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40221 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- SULTANGANJ District- Patna

Rahul Kumar S/o Yogendra Chaudhary @ Kalendra Chaudhary R/o-Sahganj
Professor Colony, Musallahpur Haat, P.S.-Sultanganj, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, 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 Sultanganj
P.S. Case No. 100 of 2023 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 14.03.2023.

5. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 106.8 litres of IMFL/country made liquor from the alleged vehicle.

6. Learned counsel appearing on behalf of the petitioner
submitted that petitioner not apprehended on spot and as such it can
be safely said that alleged recovery of illicit liquor not made from
physical possession of this petitioner. It is submitted that the name of



petitioner surfaced on the basis of disclosure made by apprehended co-accused, namely, Raju Kumar Mandal, where nothing surfaced during the course of investigation as to connect him with present recovery of illicit liquor. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, 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, 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 14.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Sultanganj P.S. Case No. 100 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 Special Judge Excise, Patna City, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

