

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40214 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- HARLAKHI District- Madhubani

Rahul Kumar S/O Chandrashekhar Sah @ Chandrashekhar Prasad Sah
Resident Of Village Basopatti, Ps. Basopatti, Dist. Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 18-07-2023 1. 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 Harlakhi P.S. Case No. 72 of 2023 registered for the offence under Sections 272, 273, 34 of the Indian Penal Code and 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 25.03.2023.
5. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 765 litres of IMFL/country made liquor from Mahendra Magic vehicle bearing registration no.



BR07GA7384.

6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor made from a vehicle i.e., Mahindra Magic which was jointly occupied by other co-accused persons and it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. 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 25.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Harlakhi P.S. Case No. 72 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 2nd Addittional Sessions Judge Excise
Act, Madhubani/concerned court, subject to the conditions as
mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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

