

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42241 of 2023**

Arising Out of PS. Case No.-550 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.  
District- Patna

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VISHAMJEET KUMAR Son of Satrudhan Ram Resident of Village -  
Gangachak Malkana, P.S.- Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rakesh Kumar Sharma, Advocate  
For the Opposite Party/s : Mr.Akbar Ali, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      25-07-2023                      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 Special  
  
Case No. 3213 of 2023 arising out of Excise Patna P.S. Case No.  
  
550 of 2023 registered for the offence under Sections 30(a) &  
  
56(b) of the Bihar Excise & Prohibition Act.

4. The accused/petitioner is named in the F.I.R. and is  
  
in custody since 04.04.2023.

5. The allegation against the petitioner is to be  
  
engaged in illegal trading/manufacturing of illicit liquor, where,  
  
there is recovery of 80 litres of IMFL/Country made liquor from



the motorcycle bearing registration no. BR-01DE-4458.

6. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was pillion rider of the alleged motorcycle and he was not the owner of the said motorcycle from where alleged illicit liquor was recovered, as such, 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 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.

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 the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 04.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Special Case No. 3213 of 2023 arising out of Excise Patna P.S. Case No. 550 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, Patna/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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