

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41714 of 2023

Arising Out of PS. Case No.-260 Year-2023 Thana- KANTI District- Muzaffarpur

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Gautam Kumar S/O Bijali Sah R/O Village- Chainpur, P.S- Kanti, Distt.-
Muzaffarpur.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, Advocate
For the State : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-07-2023 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
Kanti P.S. Case No. 260 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 11.04.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 195.620 litres of IMFL/country made liquor



from hut.

6. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from a hut, which not appears connected during the course of investigation with petitioner in any manner and as such, it cannot be said that alleged illicit liquor was recovered from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in one more 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 alleged illicit liquor not appears to be recovered from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Kanti P.S. Case No. 260 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 Court No. II, Muzaffarpur/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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