

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41666 of 2023

Arising Out of PS. Case No.-371 Year-2021 Thana- DIGHA District- Patna

Ishu Kumar @ Raja Kumar @ Raja @ Ankit Kumar S/O Ramesh Paswan
R/O Village- Kurji Balupar As Tenant In The House Of Ajay Yadav, Ps. And
Po. Digha, Dist. Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-07-2023 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 Digha
P.S. Case No. 371 of 2021 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 27.03.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 96.3 litres of IMFL/country made liquor



from TATA Indigo four-wheeler vehicle bearing registration no. BR01AQ9173.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot and was remanded in this case from Digha P.S. Case No. 162 of 2023 and, as such, it can be safely said that recovery of illicit liquor was not appears to be made from physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases of similar nature, 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 physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Digha P.S. Case No. 371 of 2021 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 Act, Patna Sadar/concerned court, subject
to the conditions as mentioned under Section 437 (3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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

