

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42323 of 2023

Arising Out of PS. Case No.-239 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Arun Kumar, Son of Nawal Sah Resident Of Village - Sonaul, P.S. - Rajepur,
District - East Champaran.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

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
Runisaidpur P.S. Case No. 239 of 2023 registered for the
offence under Sections 30(a)/32(i)(ii)/36 and 41(i)(ii) of the
Bihar Prohibition and Excise Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 11.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 1159.00 litres of foreign liquor from the
Mahindra Pick Up Van bearing registration no. BR06GF8264.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner took a lift for a local destination from the driver of alleged vehicle, in the meantime, vehicle was stopped by police and petitioner was apprehended from the Cabin of Mahindra Pick up van. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioner having knowledge regarding consignment of alleged illicit liquor. 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 alleged recovery of 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 11.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Runisaidpur P.S. Case No. 239 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,
Sitamarhi/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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