

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42846 of 2023**

Arising Out of PS. Case No.-93 Year-2023 Thana- BARHAT District- Jamui

Shiv Kumar Murmu Son Of Bhagu Murmu Village Pancheswari Ps Barhat  
Dist Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar, Advocate  
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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

- 2      26-07-2023                      1. Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.
2. The petitioner seeks bail in connection with Barhat P.S. Case No.93 of 2023 registered for the offence under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.
3. The accused/petitioner is named in the F.I.R. and is in custody since 13.05.2023.
4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 10 litres of IMFL.
5. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, which is apparent from the seizure list, which



is supported by police personnels and not by independent witnesses. While concluding the argument, it is 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 already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as seizure list is not supported by independent witnesses coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.05.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Barhat P.S. Case No.93 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 Exclusive Excise Court, 1<sup>st</sup> Jamui/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

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