

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43359 of 2023

Arising Out of PS. Case No.-460 Year-2023 Thana- KAHALGAON District- Bhagalpur

Sitesh Kumar Son Of Pawan Yadav Resident Of Village- Madanpur, Ps-
Madhepura, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Kahalgaon
(Ghogha) P.S. Case No. 460 of 2023 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 20.04.2023.

4. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 126 litres of IMFL/country made liquor from jointly occupied
vehicle.

5. Learned counsel appearing on behalf of the petitioner
submitted that recovery of alleged illicit liquor was made from
jointly occupied vehicle and, as such, it can be said safely that
recovery of alleged illicit liquor was not made from conscious



physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent 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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from jointly occupied vehicle, where petitioner is a man of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with kahalgaoon (Ghogha) P.S. Case No. 460 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 A.D.J.-IX, Bhagalpur/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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