

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47361 of 2023

Arising Out of PS. Case No.-531 Year-2023 Thana- BIHTA District- Patna

=====

VISHAL KUMAR S/O VISHWANATH BHAGAT R/O VILLAGE-
AMHARA, PS. BIHTA, DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 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 Bihta
P.S. Case No. 531 of 2023 registered for the offence under
Sections 30(a), 32(i)(ii), 36, 41(i)(ii) and 62 of the Bihar
Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 30.05.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 3496.63 litres of IMFL/country made liquor

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the alleged truck. It is submitted that petitioner is neither the owner nor connected in any manner with the alleged truck rather he was engaged as labour for unloading the consignment having no knowledge what he was unloading and as such it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. 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 been submitted, as such, there is no chance of tampering with the evidence.

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

7. Considering the facts and circumstances as mentioned above as recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Bihta P.S. Case No. 531 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 Excise Judge, Danapur, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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

