

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47227 of 2023

Arising Out of PS. Case No.-323 Year-2023 Thana- BEUR District- Patna

MUKESH KUMAR Son of Lalan Singh @ Lallan Prasad Resident of village
- Neerpura, P.S. - Beur, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranaya Shanker Sinha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, 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 Beur P.S.

Case No. 323 of 2023 registered for the offence under 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 08.05.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 102.585 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that total recovery of 102.585 litres of illicit
liquor was made out of which 96 litres was recovered from an
open field and not from the conscious physical possession of
petitioner and just to implicate this petitioner falsely 6 litres of
illicit liquor was shown to be carried by him. It is also submitted
that seizure list appears doubtful being not supported by



independent witnesses rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in one more case 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.

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

7. Considering the facts and circumstances as mentioned above as maximum recovery appears to be made from open field, where seizure list appears doubtful being supported by police personnnels, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Beur P.S. Case No. 323 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 Judge Excise Act, Patna/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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