

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48431 of 2023**

Arising Out of PS. Case No.-134 Year-2023 Thana- PHULWARIYA District- Gopalganj

=====

SIDHANT KUMAR Son of Rajendra Prasad Yadav Resident of village -
Saidpur, Nowdihan, P.S. - Sonapur, Distt. - Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dhananjay Mishra, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 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

Phulwariya P.S. Case No. 134 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 25.04.2023.

4. The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 90 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 jointly occupied car, where petitioner took a lift for short destination. It is submitted that petitioner is neither the owner nor connected in any manner with the alleged car 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 alleged 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 25.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Phulwariya P.S. Case No. 134 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 Additional Sessions Judge-Iind-cum-Special Judge Excise-



1st, Gopalganj/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	
---	--	---	--

