

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67647 of 2022**

Arising Out of PS. Case No.-443 Year-2022 Thana- NAUTAN District- West Champaran

Kundan Kumar, S/o Sukhari Sahani, R/o Village- Pannapur Kanhi Tola P.S-
Harsidhi, District- East Champaran.

... .. Petitioner/S
Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

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

3 25-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Nautan
Jagdishpur Police Station Case No. 443/2022 registered for the
offence under Section 414 of the Indian Penal Code and 30(a) of
the Bihar Prohibition and Exise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.08.2022.

The allegation against the petitioner is to have in
possession of 51.840 litres of illicit liquor and also involved in



illegal trade of prohibited liquor, where alleged recovery of illicit liquor was made from a Maruti Car.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on the spot, for the reason as signature of petitioner is not available on seizure list. It is also submitted that from the bare perusal of the FIR, it can be safely gathered that alleged recovery of liquor was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, coupled with fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nautan Jagdishpur Police Station Case No. 443/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Judge Excise, Bettiah West
Champaran/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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