

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72406 of 2022

Arising Out of PS. Case No.-367 Year-2022 Thana- MUFFASIL District- Aurangabad

RAKESH KUMAR SON OF RAMCHANDRA BHAGAT R/O VILLAGE-
MANJHAR, P.S.- PAKARIDAYAL, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-04-2023 Heard learned counsel appearing on behalf of the parties.

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

The petitioner seeks bail in connection with Muffasil P.S. Case No. 367 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in custody since 23.10.2022.

The allegation against the petitioner is to be involved in trade of illicit liquor, where, a total of 1194.48 litres of IMFL was alleged to be recovered from his possession.

Learned counsel appearing on behalf of the petitioner submitted that this is a case of chance implication as petitioner



was passerby near to alleged truck, when he was apprehended merely on the basis of suspicion. It is submitted that save and except this allegation nothing appears incriminating against this petitioner, during course of investigation, which may connect this petitioner with alleged recovery of illicit liquor. It is also pointed out that petitioner in no manner connected with the alleged truck and recovered illicit liquor. While travelling over the argument, learned counsel pointed out that seizure list of alleged recovered illicit liquor also appears doubtful as same is not supported by independent witness rather by police personnels. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as alleged recovered illicit liquor is not appears to be made from conscious physical possession of this petitioner, where, seizure list appearing doubtful coupled with the fact that charge-sheet has already submitted, let the petitioner, above



named, is directed to be released on bail in connection with Muffasil P.S. Case No. 367 of 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 Court No.1, Aurangabad/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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