

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28617 of 2024

Arising Out of PS. Case No.-668 Year-2019 Thana- KUDHNI District- Muzaffarpur

Rohit Kumar S/o- Bansh Lal Ray @ Harinandan Rai resident of village-
Dubiyahi, P.S.- kudhani (turki O.P.), Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2024 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

Kudhni P.S. Case No. 668 of 2019 registered for the

offence under Sections 414, 467, 471 and 34 of the

Indian Penal Code and Sections 30(a), 38(1) and 41(1)

of the Bihar Prohibition and Excise Act, 2018.

3. The petitioner is named in the F.I.R. and is

in custody since 12.02.2024.

4. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,



where, there is recovery of 2538 litres of IMFL/country made liquor from the alleged vehicle.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of disclosure made by co-accused persons namely Chandan Kr. Sahni and Ashok kr. Singh and admittedly, this is not a case of recovery from the physical possession of the petitioner. It has been submitted that investigation is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kudhni P.S. Case No. 668 of 2019 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Court-II, Muzaffarpur, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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