

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34628 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Jagat Kumar @ Jagat Kumar Nirala S/o Harihar Bhagat @ Harihar Prasad Resident of Village Kharar math, P.s. - Siwaipatti, Distt. - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-05-2024 Heard learned counsel appearing on behalf of the petitioner and Mr. Surendra Kumar, learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Runnisaidpur P.S. Case No. 239 of 2023 registered for the offences under Sections 30(a), 32(i)(ii), 36, 41(i)(ii) of Bihar Prohibition and Excise Act.

3. The petitioner is named in the First Information Report and is in custody since 15.02.2024.

4. Allegation against the petitioner is to engage in illegal trade of illicit liquor where recovery is of 2428.14 litres of foreign liquor from the alleged pick-up Van.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that petitioner is in no way connected either with the alleged vehicle or recovery of illicit liquor. It is pointed out that the name of petitioner surfaced in this case on the basis of confessional statement/disclosure of co-accused Govnid Kumar Singh @ Govind Kumar who has already granted bail by this Court in Cr. Misc. No. 40021 of 2023 vide order dated 07.07.2023. It is further submitted by learned counsel that as petitioner found involved in six more criminal cases of similar nature where his name appears in maximum of cases out of confessional statement/disclosure of co-accused persons, on the ground of same incidents, the petitioner named in the present case also without having any connecting evidence. It is also submitted that seizure list is not supported by independent witness, rather by police personnel. While concluding argument, it is submitted that investigation of this case is completed for which charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



7. Considering the aforesaid factual submission and by taking note of the fact that as illicit liquor not appears to be recovered from the conscious physical possession of the petitioner, whose name surfaced during the course of investigation on the basis of disclosure made by co-accused persons, where petitioner is in custody since 15.02.2024 coupled with the fact that investigation of this case is completed and charge-sheet has already been submitted, accordingly, above-named petitioner is directed to be released on bail in connection with Runnisaidpur P.S. Case No. 239 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 Exclusive Special Excise Court-I, Sitamarhi, subject to the condition as laid down under Section 437(3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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