

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40839 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- Gopalpur District- Gopalganj

Raj Kumar Singh, Son of Laxman Singh, Resident of Village-Sangwadih,
P.S.-Gopalpur, District-Gopalganj.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dharmveer Jha, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of

the State.

2.The accused/petitioner seeks bail in

connection with Gopalpur P.S. Case No. 04 of 2024

registered for the offences punishable under Sections

Section 30(a) of the Bihar Prohibition and Excise

Amendment Act, 2022.

3. The petitioner named in the FIR and is in

custody since 01.04.2024.

4. Allegation against the petitioner is to have in

possessions of 90 litres of country made illicit liquor and



also to involve in alleged trade of illicit liquor.

5. It is submitted by learned counsel for the petitioner that the motorcycle in issue, from where the illicit liquor alleged to be recovered is not connected in any manner with the petitioner, and, as such, it can be said safely that the recovery of the alleged illicit liquor was not made from the conscious physical possession of this petitioner. It is submitted that implication of petitioner appears out of suspicion due to his criminal antecedents as he found also involved in four similar nature of cases, where he is on bail and, moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of fact as recovery of alleged illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, coupled with the



fact that charge-sheet has already submitted, where petitioner is in custody since 01.04.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-IV-Cum-Exclusive Spl. Excise court-II, Gopalganj/concerned court in connection with Gopalpur P.S. Case No. 04 of 2024 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J)

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