

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41065 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- RUNISAIDPUR District- Sitamarhi

Umesh Kumar S/O Jagat Singh R/O Village- Khekara, P.S- Khekara, Distt.-
Bagpat (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

Mrs. Divya Bharti, Adv.

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with

Runnisaidpur P.S. Case No. 59 of 2024 registered for

the offence punishable under Sections 420, 467, 468,

471, 120-B , 34 of the Indian Penal Code and Sections

30(a), 32, 36 and 41(i) of the Bihar Prohibition and

Excise Act, 2018.

3. The petitioner is named in the FIR and is in

custody since 28.02.2024.

4. Allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,



where there is recovery of 820 liters of foreign liquor.

5. It is submitted by learned counsel for the petitioner that the recovery of alleged illicit liquor appears to be made from a public bus which is accessible by general public and, as such, it cannot be said that recovery was made from conscious physical possession of the petitioner, who is man of clean antecedent. It is submitted that implication of this petitioner was made only for the reason that he was the driver of the alleged bus. While concluding argument, it is submitted that 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 for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as recovery of illicit liquor alleged to be made from a bus, which is accessible by general public, coupled with the fact that charge-sheet has already



submitted, where petitioner is in custody since 28.02.2024, accordingly, let 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 the learned Exclusive Special Excise Court-I, Sitamarhi in connection with Runnisaipur P.S. Case No.59 of 2024 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J)

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