

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60473 of 2024

Arising Out of PS. Case No.-117 Year-2022 Thana- BACHHWARA District- Begusarai

Bittu Kumar @ Swarjit Kumar S/O Indra Kumar Yadav @ Indradeo Yadav
R/O Vill- Tara Bazar (Bachhwara), P.S - Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Bachhwara P.S. Case No. 117 of 2022 registered for the

offence under Sections 188 and 120B of the Indian Penal

Code and Section 30(a) of the Excise Act.

3. The accused/petitioner is named in the F.I.R.

and is in custody since 23.05.2024.

4. The allegation against the petitioner is to be

involved in the illegal trading of illicit liquor, where 445.32

liters of foreign liquor was recovered.

5. Learned counsel appearing on behalf of the



petitioner submitted that recovery of illicit liquor was made from open place, as maize field, belongs to co-accused Jhunna Choudhary @ Junnu Kumar Choudhary which is accessible by general public and, as such, it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. It is submitted that said Jhunna Choudhary @ Junnu Kumar Choudhary has already granted by the Co-ordinate Bench of this Court through Cr. Misc. No. 26266 of 2023 vide order dated 15.05.2023. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

7. In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor was made from



open place, in the background of doubtful seizure list, coupled with the fact that charge-sheet has already submitted, let petitioner, above named, is directed to be released on bail in connection with Bachhwara P.S. Case No. 117 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-Ist, Begusarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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