

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55680 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- KHAJEKALA District- Patna

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Pappu Kumar Son of Krishna Prasad Resident of Mahavirpuri, Road No.- 15,
P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rana Randhir Singh, App

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Khajekalan P.S. Case No. 24 of 2022 registered for the offence
under Sections 30(a)/32(i)(ii)/33/34/36/41(i)(ii) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.04.2022 remanded from Muradpur P.S. Case
No. 10/2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of spurious liquor along with
other co-accused persons, where after consumption six persons



died and several became seriously ill, where there was recovery of 100 litres of spirit/illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that present case originated from Muradpur P.S. Case No. 10/2022, where initially petitioner was not named. It is further submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused namely, Akhilesh Upadhyay. It is submitted that admittedly no recovery of illicit liquor was made from physical possession of this petitioner, where maximum allegation is to act like a carrier. It is also submitted that said co-accused namely, Akhilesh Upadhyay has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 43371 of 2022 dated 30.09.2022. It is also pointed out that petitioner involved in one more criminal case, where he is on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears from physical possession of this petitioner, where nothing surfaced during the



course of investigation to connect this petitioner, *prima facie*, with the present occurrence 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 Khajekalan P.S. Case No. 24 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 Special Judge Excise, Patna City, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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