

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.30979 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- MINAPUR District- Muzaffarpur

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Abinash Kumar Son of Jamun Rai Resident of Village - Raghopur, P.S.-
Meenapur, District - Muzaffarpur, State- Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.A.G, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 06-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Minapur
P.S. Case No. 85 of 2022 registered for the offence under
Sections 272, 273/34 of I.P.C. and under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.02.2022.



The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 30 litres spirit and total 20 puriya of smak like substance.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the open place that is bank of river, as such, it cannot be said to be recover from the conscious physical possession of the petitioner and further nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, and moreover, investigation in this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery was made from the open place.

Considering the facts and circumstances as mentioned above, as recovery was made from the open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Minapur P.S. Case No. 85 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 Excise Court No.-1, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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