

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28788 of 2022**

Arising Out of PS. Case No.-523 Year-2021 Thana- SITAMARHI District- Sitamarhi

Chhotu Pal @ Chhote Pal S/O Brij Kishore Raut @ Vrij Kishore Raut R/O
Village- Riga Road (Yadav Nagar), Ward No. 01, P.S. And District- Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

**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 Sitamarhi P.S.
Case No. 523 of 2021 registered for the offence under Sections 30(a)
of the Bihar Excise Amendment Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.03.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 647.535 litres IMFL.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced in the present case
on the basis of unknown local villagers. It is also submitted that no



illicit liquor in furtherance of said disclosure was recovered from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation 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 the fact that recovery is not made from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the conscious physical possession of the petitioner 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 Sitamarhi P.S. Case No. 523 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Learned Court of Exclusive Special Excise Court-II, Sitamarhi/concerned court, subject to the condition as mentioned under Section 437(3).

(Chandra Shekhar Jha, J)

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