

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28676 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- RAJAOLI District- Nawada

Sarju Rajvanshi @ SURAJ RAJVANSHI Son of Gogan Rajbanshi R/o Village
- Gagan, P.S.- Rajauli, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, 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.

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

The petitioner seeks bail in connection with Rajauli P.S.
Case No. 119 of 2022 registered for the offence under Section
30(a)(d) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.03.2022.

The allegation against the petitioner is to have in
possession of 50 liters of country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of illicit liquor was made from open
place, which is accessible by general public and as such it cannot



be gathered that the recovery of illicit liquor was made from conscious physical possession of the petitioner. The petitioner is a man of clean antecedent and moreover investigation of this case is completed for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery of illicit liquor was made from open place, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajauli P.S. Case No. 119 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-2, Nawada/concerned Court, subject to the following conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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