

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30507 of 2022

Arising Out of PS. Case No.-250 Year-2022 Thana- ARA NAGAR District- Bhojpur

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Anish Kumar @ Mota Son of Chunnu Yadav R/O Village- Ara Min Toli
Akhada, P.S.- Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 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 Ara Town
P.S. Case No. 250 of 2022 registered for the offence under
Sections 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.03.2022.

The allegation against the petitioner is to involve in
the illegal business of illicit liquor, where 51.200 liters of illicit
liquor was recovered.



Learned counsel appearing on behalf of the petitioner submitted that recovery is from the open place i.e. outside '*Khatal*', which was accessible by general public, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery of illicit liquor. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet 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 is from the open place.

Considering the facts and circumstances as mentioned above, as recovery is 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 chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ara Town P.S. Case No. 250 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. I, District- Bhojpur
at Ara/concerned Court, subject to the conditions as laid down
u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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