

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30019 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Lav Paswan Son of Vishwanath Paswan Resident of Village - Gheghiya, P.S.-
Mohania, District - Kaimur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Patel, Advocate

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

Durgawati P.S. Case No. 150 of 2021 registered for the offence

under Section 414 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 08.07.2021.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 103.44 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from three-wheeler/tempo, which was jointly occupied by other co-accused persons and was accessible by general public also and, as such, it cannot be said that illicit liquor 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 that recovery of illicit liquor was made from three-wheeler, as per seizure list.

Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor was not 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 Durgawati P.S. Case No. 150 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 Special judge (Excise)-cum-A.D.J.-II, Kaimur at Bhabua



Gopalganj/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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