

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29363 of 2022

Arising Out of PS. Case No.-308 Year-2021 Thana- PARSA District- Saran

Sonu Kumar Son Of Anil Singh R/O Village- Baharmader, P.S.- Parsa,
District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Smita Kumari, Advocate

For the Opposite Party/s : Ms. Anita Kumari, 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 Parsa P.S.
Case No. 308 of 2021 registered for the offence under Section
30, 30(a), 33, 38, and 41 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.04.2022.

The allegation against the petitioner is to have in
possession of 1923.48 liters of country made liquor, which was
recovered from a public place school.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery of illicit liquor was made from public place school which is accessible by general public and as such, it cannot be said that recovery of illicit liquor is from the conscious physical possession of the petitioner, it is also submitted that similarly situated petitioner has already granted bail through Cr. Misc. No. 60305 of 2021, dated 25.11.2021. While concluding the argument, it is submitted that investigation in 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 the recovery was made from school 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 Parsa P.S. Case No. 308 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 2nd Exclusive Special Excise, Saran at Chapra City/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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