

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30591 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- JHANJHARPUR District- Madhubani

Vishwanath Mandal Son of Late Vasant Mandal R/O- Vill- Ram Chowk
Jhanjharpur Ward No. 4, P.S.- Jhanjharpur, Dist.- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, 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

Jhanjharpur P.S. Case No. 53 of 2022 registered for the offence

under Sections 272, 273 of I.P.C. and 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 16.04.2022.

The allegation against the petitioner is to be engaged

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

recovery of 39.725 litres of IMFL/country made liquor from



house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the house of the petitioner, which is also occupied by other family members and, as such, it cannot be said to be recovered from 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 the house of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as 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 Jhanjharpur P.S. Case No. 53 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 Special Judge, Excise Act, Jhanjharpur, Madhubani/concerned court,



subject to the conditions as mentioned under Section 437(3) of
Cr.P.C.

(Chandra Shekhar Jha, J)

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