

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30263 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- MINAPUR District- Muzaffarpur

Bahadur Rai @ Ram Bahadur Rai S/o Shankar Rai R/o Village Gaghopur, P.S.
Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuvan Narayan, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Minapur
P.S. Case No. 85 of 2022 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code, Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018 and Sections 20 and 22 of the N.D.P.S. Act.

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



custody since 29.03.2022.

The allegation against the petitioner is to involve in the illegal business of illicit liquor, where 30 liters of spirit was recovered from bank of river.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from an open place i.e., bank of river, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioner and further nothing surfaced during the course of investigation, which may connect the petitioner, *prima facie*, with the alleged recovery of illicit liquor. While concluding the argument, it is submitted that 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 of illicit liquor was made from open place.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner 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 Minapur P.S. Case No. 85 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 Court No.1, Muzaffarpur/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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