

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.30649 of 2022

Arising Out of PS. Case No.-152 Year-2020 Thana- GAYA KOTWALI District- Gaya

Md . Saddam S/O Md. Jayar Alias Md. Jayar Resident of Mohalla-Banke
Gali, P.S.-Kat wali Gaya, Distt.-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, 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 Kotwali,
Gaya P.S. Case No. 152 of 2020 registered for the offence under
Sections 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 01.05.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 27.725 litres of IMFL/country made liquor from house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery was made from the house of the petitioner, which is jointly 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 the recovery of illicit liquor was made from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as the 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 Kotwali, Gaya P.S. Case No. 152 of 2020 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.-1, Gaya/concerned court,
subject to the conditions as mentioned under 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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