

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30534 of 2022

Arising Out of PS. Case No.-515 Year-2021 Thana- CHANPATIA District- West Champaran

Rajesh Dhangar @ Rajesh Mahto Son of Late Prabhu Dhangar @ Prabhu
Mahto Resident of Village-Lohiyaria, Dhangar Toli, P.S.-Chanpatia
(Kumarbag), District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 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 Chanpatia
(Kumarbag) P.S. Case No. 515 of 2021 registered for the
offence under Sections 30(a) and 37(c) of the Bihar Prohibition
and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.01.2022.

The allegation against the petitioner is to have in
possession of 10 liters of country made liquor, which was
recovered from the hut of the petitioner.



Learned counsel appearing on behalf of the petitioner submitted that the hut, from where illicit liquor was alleged to be recovered, does not belong to the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner either with the hut or with the alleged recovery of illicit country made liquor. It is further submitted that this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. 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 was made from the hut.

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 chargesheet has already been submitted, let the petitioner, above named, be directed to be released on bail in connection with Chanpatia (Kumarbag) P.S. Case No. 515 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, West Champaran at Bettiah/concerned
Court, subject to the conditions as laid down u/s 437(3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

