

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31233 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

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JULEKHA KHATOON W/o Islam Miya @ Mohammad Islam Resident of
Village-Sodhna Madhopur, P.S.-Sibaipatti, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2022 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 Siwaipatti

P.S. Case No. 18 of 2021 registered for the offence under Sections

272, 273 and 34 of the Indian Penal Code and Section 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 15.04.2022.

The allegation against the petitioner is to be engaged in

illegal trade of illicit liquor, where, there is recovery of 72 litres of

illicit country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that recovery has been made from hut, which is accessible by general public and also by other family members, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was made from hhut.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Siwaipatti P.S. Case No. 18 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 Court No.1, Muzaffarpur/concerned court, subject to the conditions, as mentioned in Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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