

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31255 of 2022

Arising Out of PS. Case No.-220 Year-2019 Thana- PAROO District- Muzaffarpur

AVINASH KUMAR Son of Nawal Roy Resident of Village - Sarmastpur,
Police Station- Paroo, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachin Kumar

For the Opposite Party/s : Mr.Abhay Kumar

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.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Paroo P.S.
Case No. 220 of 2019 registered for the offence under Sections 30
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 07.03.2022.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 70.92 litres of
illicit IMFL.

Learned counsel appearing on behalf of the petitioner
submitted that recovery has been made from open place i.e.
'Shisham' garden, which is accessible by general public, 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 name of the petitioner surfaced on the basis of disclosure made by local '*Chaukidar*'. 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 open place.

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 Paroo P.S. Case No. 220 of 2019 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.II, 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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