

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31215 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- BARAUNI District- Begusarai

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Kari Singh son of Nand Kishore Singh Resident of Village - Baro Bishanpur,
Ward No. 12, P.S. Phulwariya, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2022 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 Barauni

(Garhara O.P.) P.S. Case No. 139 of 2022 registered for the

offence under Section 30(a) of the Bihar Prohibition and Excise

Act.

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

custody since 31.03.2022.

The allegation against the petitioner is to run away

from the place of recovery, where 97.5 liters of IMFL was



recovered from a maize field.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was apprehended while running away from the maize field, where the alleged recovery of illicit liquor was made. It is submitted that, as per seizure list, it appears that the recovery was made from the maize field, which is accessible by general public, as such, it cannot be said that the recovery of illicit liquor was made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 the maize field.

Considering the facts and circumstances as mentioned above, as recovery was made from the maize field, which is accessible to general public coupled with the fact that petitioner is a man of clean antecedent, where chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barauni (Garhara O.P.)



P.S. Case No. 139 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 Excise Judge-I, Begusarai/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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