

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32299 of 2022**

Arising Out of PS. Case No.-295 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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PENTAR PASWAN SON OF RAJENDRA PASWAN @ RAJENDRA PASI
RESIDENT OF VILLAGE- BARKI PIPRAHI, WARD No.-6, P.S.-
UCHKAGAON, DISTRICT- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Suman Kumari Singh

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 05-09-2022 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 Gopalganj
Excise Case No. 295 of 2020 registered for the offence under 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 26.04.2022.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 20 litres of
illicit country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that illicit liquor was recovered from open hut, which is



accessible by general public, as such, it cannot be said that the alleged recovery was made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State, opposes the prayer for bail.

Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor was not made from the conscious physical possession of the petitioner 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 Gopalganj Excise Case No. 295 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 Additional District and Sessions Judge-IV-cum-Special Judge Excise Court-II, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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