

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33196 of 2022**

Arising Out of PS. Case No.-72 Year-2021 Thana- SAHJAHANPUR District- Patna

SANTOSH KUMAR @ SANTOSH PRASAD Son of Sunil Prasad @ Bargis Singh @ Nargis Singh Resident of Village - Mohalla Sarthuya, P.S.- Shahjahanpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Advocate

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

**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 Shahjahanpur P.S. Case No. 72 of 2021 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 22.09.2021.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 05 litres of illicit country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from open place



like '*Sarthuya Kalisthan*', which is accessible to general public and as such, it cannot be said that the alleged recovery has been 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 appearing for the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shahjahanpur P.S. Case No. 72 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, Patna City, Patna/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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