

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35008 of 2022

Arising Out of PS. Case No.-323 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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RAHUL KUMAR S/o Santosh Sah Resident of Village- Manikpur, P.S.-
Saraiya, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

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

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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

Town P.S. Case No. 323 of 2022 registered for the offence under

Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act,

2018.

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

custody since 30.04.2022.

The allegation against the petitioner is to be engaged in

illegal trading/manufacturing of illicit liquor, where, there is recovery

of 140.7 litres of IMFL.

Learned counsel appearing on behalf of the petitioner

submitted that the alleged car, from where, recovery of illicit liquor



was made, was jointly occupied by other co-accused persons, 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 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, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor 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 been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gopalganj Town P.S. Case No. 323 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 A.D.J.-II-cum-Special Judge, Excise Court-No.1, 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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