

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35490 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- BIHIA District- Bhojpur

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Ritesh Kumar S/o Munna Prasad Resident of Village- Navdey More Vihiya,
Police Station- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-08-2022 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 Bihiya
P.S. Case No. 83 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 30.03.2022.

The allegation against the petitioner is to involve in
the illegal trading of illicit liquor, where 180.405 liters of
English wine was recovered from the house of the co-accused,



namely, Pradeep Prasad.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the house of the co-accused, namely, Pradeep Prasad, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that name of the petitioner surfaced on the basis of secret information, where nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery of illicit liquor. While concluding the argument, it is submitted that 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 this is not a case of recovery of illicit liquor from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with



Bihiya P.S. Case No. 83 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 1st Exclusive Special Excise Court No.1, Bhojpur, Ara/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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