

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35255 of 2022**

Arising Out of PS. Case No.-25 Year-2022 Thana- SOHSARAI District- Nalanda

Santosh Choudhary S/O Mahesh Choudhary Resident of Village- Badi Pahari,
P.S.- Sohsarai, Dsitric- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

**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.

At the outset, learned counsel for the petitioner
submitted that in the prayer portion of the bail petition
satisfaction has been wrongly typed as ‘4th Additional District
and Sessions Judge-cum-Excise-II, Nalanda at Biharsharif’
instead of ‘4th Additional District and Sessions Judge-cum-
Special Judge, Excise-II, Nalanda at Biharsharif’.

Accordingly, learned counsel for the petitioner is
permitted to make necessary corrections during the course of the
day itself.

The petitioner seeks bail in connection with Sohsarai



P.S. Case No. 25 of 2022 registered for the offence under Sections 30(a), 33, 34 and 36 of Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 24.01.2022.

The allegation against the petitioner is to involve in the illegal business of illicit liquor, where 282 liters of country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the open place i.e., from the base of the mountains, which is in no way connected with the petitioner. It is submitted that name of the petitioner surfaced on the basis of disclosure made by co-accused, namely, Karu Paswan in furtherance thereof, nothing incriminating surfaced/recovered during the course of investigation. 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 recovery was made from the open place.

Considering the facts and circumstances as mentioned



above, as recovery was made from the open place i.e. base of the mountains, as such, it cannot be said to be recovered 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 Sohsarai P.S. Case No. 25 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 4th Additional District and Sessions Judge-cum-Special Judge, Excise-II, Nalanda at Biharsharif/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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