

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35799 of 2022**

Arising Out of PS. Case No.-163 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

NAVIN KUMAR SON OF JAIPRAKASH SAH R/O VILLAGE- THUMMA,
P.S.- RUNNISAIDPUR, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr. APP

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

2 17-08-2022 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 Runnisaidpur
P.S. Case No. 163 of 2022 registered for the offence under Section
30(a), 36 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 22.05.2022.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 1107.97 litres
of illicit liquor.

Learned counsel appearing on behalf of the petitioner
submitted that recovery has been made from house of co-accused,
namely, Avinash Kumar, 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 name of the petitioner surfaced on the basis of disclosure made by local '*Chaukidar*' on basis of suspicion.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of illicit liquor was not made from physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been 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 Runnisaidpur P.S. Case No. 163 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 Exclusive Special Excise Court No.1, Sitamarhi/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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