

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35555 of 2022**

Arising Out of PS. Case No.-138 Year-2022 Thana- MUFFASIL District- Aurangabad

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MUKESH KUMAR SON OF KANHAIYA PRASAD R/O MOHALLA-
MANGAL BAZAR NASRIGANJ, WARD NOL.-5, P.S.- NASRIGANJ,
DISTRICT- ROHTAS (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Asha Kumari

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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 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 Aurangabad
Mufassil P.S. Case No. 138 of 2022 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 28.04.2022.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 135 litres of
illicit country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that recovery has been made from jointly occupied car, 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 has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was made from jointly occupied car.

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 Aurangabad Mufassil P.S. Case No. 138 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 Special Judge, Excise, First, Aurangabad/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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