

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36324 of 2022

Arising Out of PS. Case No.-137 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

RAJENDRA DAS Son of Late Dahgar Das Resident of village- Harser, P.s.-
Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Siwaipatti
P.S. Case No. 137 of 2021 registered for the offence under
Sections 272, 273, 120(B)/34 of I.P.C. and under Section 30(a),
(b), (c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 100 litres of IMFL/country made liquor from an



open place.

Learned counsel appearing on behalf of the petitioner submitted that the recovery of illicit liquor was made from forest and also bank of Gandak River like open place and, as such, it cannot be said to be recovered from conscious physical possession of the petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery of illicit liquor was made from the open place, as per seizure list.

Considering the facts and circumstances as mentioned above, as the recovery of illicit liquor was not made from the 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 Siwaipatti P.S. Case No. 137 of 2021 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,



Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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