

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36712 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- DARIHAT District- Rohtas

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KABUTARI DEVI @ KABUTARI KUNWAR Wife of Late Krishna
Choudhari Resident of Village - Darihat, P.S.- Darihat, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 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 Darihat
P.S. Case No. 32 of 2022 registered for the offence under
Sections 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 19.04.2022.



The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 20 litres of IMFL/country made liquor from an open place.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from an open place as bank of Son River and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that 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 an open place, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from an open place and not from the conscious physical possession of the petitioner 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 Darihat P.S. Case No. 32 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-II
Additional Sessions Judge-cum-Exclusive Special Excise Court-
1, Rohtas, Sasaram/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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