

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37345 of 2022

Arising Out of PS. Case No.-241 Year-2022 Thana- MADANPUR District- Aurangabad

Sudhir Kumar Son of Late Ramji Paswan R/O Village- Charaiya, P.S.-
Madanpur, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Leelawati Kumari, Advocate
For the Opposite Party/s : Ms.Nirmala Kumari, APP

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
Madanpur P.S. Case No. 241 of 2022 registered for the offence
under Sections 30(a), 30(b), 30(c) and 33 of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 25 litres of IMFL/country made liquor from an open place.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor is made from the open place like bank of river and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that the name of the petitioner surfaced on the basis of secret information, where petitioner is a man of clean antecedent. It is submitted that investigation is complete, where 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 the 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 has been made from an open place and not from the conscious 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 Madanpur P.S. Case No. 241 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-I, Aurangabad/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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