

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36753 of 2022**

Arising Out of PS. Case No.-31 Year-2022 Thana- ANDHRAMATH District- Madhubani

Anand Kumar Son of Dinesh Sah Resident of Village- Kunauli, P.S.- Kunauli,  
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

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

2      22-08-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP 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  
Andhramath P.S. Case No. 31 of 2022 registered for the offence  
under Sections 272 and 273 of the Indian Penal Code and  
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in  
custody since 07.03.2022.

The allegation against the petitioner is to have in  
possession of 342 liters of Nepali liquor.

Learned counsel appearing on behalf of the petitioner  
submitted that, admittedly, the alleged vehicle, from where the  
recovered of illicit liquor was made, was jointly occupied and,  
as such, it cannot be said to be recovered from the conscious



physical possession of the petitioner. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the alleged vehicle was jointly occupied.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Andhramath P.S. Case No. 31 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 Act, Jhanjharpur, District-Madhubani/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Ankit/-

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