

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37162 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- SOHSARAI District- Nalanda

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1. Nagina Choudhary Son Of -Mahesh Choudhary Resident Of Village- Badi Pahari, P.S. - Sohsarai Dsit. - Nalanda
 2. J. P. Choudhary @ Jitu Choudhary Son Of Mahesh Choudhary Resident Of Village- Badi Pahari, P.S.- Sohsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 20-08-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Sohsarai
P.S. Case No. 25 of 2022 registered for the offence under
Sections 30(a), 33, 34 and 36 of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and



are in custody since 01.02.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 282 litres of IMFL/country made liquor from an open place.

Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor is made from the open field like base point of the mountain, which is accessible by general public and is not recovered from the conscious physical possession of the petitioners. 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.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the conscious physical possession of the petitioners coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Sohsarai P.S. Case No. 25 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction
of learned Additional Special Excise Court 1st, Biharsharif,
Nalanda/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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