

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40769 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- PARBATTA District- Bhagalpur

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Manoj Chaudhary @ Manoj Kumar Chaudhary S/O Late Jado Chaudhary
Resident of Village- Samaho Bijuriya Tola, P.S.- Samhao, District- Begusarai,
Presently residing at Village- Nagadah, P.S.- Mufassil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarjeet, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-08-2022 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 Parbatta
P.S. Case No. 79 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is not named in the F.I.R. and
is in custody since 07.05.2022.



The allegation against the petitioner is to involve in the illegal trading of illicit liquor, where 4392.225 liters of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that as petitioner was found involved in conversation with the driver of the alleged vehicle, from where recovery of illicit liquor was made, as per CDR, he was implicated in the present case. It is submitted that, admittedly, this is not a case of recovery of illicit liquor 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 opposes the prayer of bail.

In view of 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 Parbatta P.S. Case No. 79 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
Special Judge, Exclusive Excise, Bhagalpur/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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