

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39311 of 2022**

Arising Out of PS. Case No.-665 Year-2021 Thana- CHAPRA TOWN District- Saran

Sunil Chaudhary S/o Sukhal Chaudhary @ Sukhdev Chaudhary Resident of Dahiyavan, South of Siya Masjid, P.S.- Chapra Town, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, 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 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 Chapra Town P.S. Case No. 665 of 2021 registered for the offence under Sections 30(a) and 41(i)(ii) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in custody since 05.12.2021.

The allegation against the petitioner is to have in possession of 150 liters of illicit country made liquor, which was



recovered from his house.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the house of the petitioner, which was jointly occupied by other family members, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from the house of the petitioner, which was jointly occupied by other family members, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Chapra



Town P.S. Case No. 665 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 1st Exclusive Special Judge, Excise, Saran, Chapra/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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