

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39293 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

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Nawal Rai Son of Ramsohag Rai R/O Village- Dubaha, P.S.- Minapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Nand Kishore Prasad

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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 Siwaipatti
P.S. Case No. 79 of 2021 registered for the offence under
Sections 272, 273, 420, 120(B)/34 of the Indian Penal Code and
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.



The accused/petitioner is named in the F.I.R. and is in custody since 12.04.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 265.80 litres of IMFL/country made liquor from the Pick Up Van bearing registration no. BR06GC-6086.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was not apprehended on spot and his name surfaced on the basis of disclosure made by driver of the alleged Pick Up Van from where illicit liquor was recovered. Admittedly, this is not a case of recovery of illicit liquor from the physical possession of the petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the petitioner 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 Siwaipatti 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 Exclusive Special Excise Court No.-1, Muzaffarpur/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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