

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39033 of 2022**

Arising Out of PS. Case No.-239 Year-2022 Thana- GORAUL District- Vaishali

ANIL SAH S/O NATHUNI SAH Resident of Manjia, P.S.- Goraul (Kathara O.P), District- Vaishali. ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Akshay Lal Pandit, 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 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 Goraul  
(Kathara O.P.) P.S. Case No. 239 of 2022 registered for the  
offence 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 07.06.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is  
recovery of 8.640 litres of IMFL/country made liquor from the  
alleged motorcycle.

Learned counsel appearing on behalf of the petitioner  
submitted that the name of the petitioner surfaced on the basis



of input provided by local chaukidar where recovery was made from the roadside, admittedly, no recovery of illicit liquor was made from conscious physical possession of the petitioner. It has been submitted that investigation is complete, where 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 has not been 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 Goraul (Kathara O.P.) P.S. Case No. 239 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 Exclusive Special Prohibition & Excise Court-I-cum-Additional District & Sessions Judge, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

**(Chandra Shekhar Jha, J)**

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