

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39615 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- MINAPUR District- Muzaffarpur

Bijali Paswan Son of Sita Ram Paswan Resident of village - Dharampur, P.S.-
Meenapur, District - Muzaffarpur, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the Opposite Party/s : Ms. Asha Devi, 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 Minapur
P.S. Case No. 85 of 2022 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code, Section
30(a) of the Bihar Prohibition and Excise Act and Sections 20
and 22 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.06.2022.

The allegation against the petitioner is to involve in



the illegal business of illicit liquor, where 30 liters spirit was recovered from bank of river.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of disclosure made by apprehended persons, namely, Md. Shamshad Shah and Avinash Kumar in furtherance thereof nothing surfaced/recovered during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. It is submitted that recovery was made from an open place, as such, it cannot be said to be recovered 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.

Considering 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 Minapur P.S. Case No. 85 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 Special Judge, Excise, Court No.1, Muzaffarpur/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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