

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40321 of 2022**

Arising Out of PS. Case No.-306 Year-2022 Thana- DARIYAPUR District- Saran

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SURAJ KUMAR GUPTA SON OF MANJAY SAH R/O VILLAGE- TARWA
MANGARPAL, P.S.- DARIYAPUR, DISTRICT- SARAN (CHAPRA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kumar, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 22-08-2022 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.

Learned counsel for the petitioner is directed to correct
necessary correction in prayer portion of this bail petition, during
course of day.

The petitioner seeks bail in connection with Dariyapur
P.S. Case No. 306 of 2022 registered for the offence under Section
30(a) and 30(b) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.06.2022.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 150 litres of
illicit country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that seizure list is not bearing the signature of the petitioner, which is evident of the fact that the recovery of illicit liquor was not made from conscious physical possession of the petitioner, otherwise, who is a man of clean antecedent.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of illicit liquor was not made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor, cannot be said from the conscious physical possession of the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Dariyapur P.S. Case No. 306 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 Additional District and Sessions Judge-III-cum-Learned Exclusive Special Judge, Ist Excise Act, Saran, Chapra /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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