

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43955 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- AWTARNAGAR District- Saran

Vikesh Kumar Son of Lalkishore Rai R/o Village - Balua, P.S.- Doriganj,
District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-09-2022 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
Awatarnagar P.S. Case No. 11 of 2021 registered for the offence
under Sections 30 and 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 09.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 140 litres of IMFL/country made liquor from an
open place.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from open place at Ram Tola near Hanuman Mandir, which is accessible by general public and, as such, it cannot be said to be recovered from conscious physical possession of the petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery of illicit liquor was made from an open place, as per seizure list.

Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor was not made from 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 Awatarnagar P.S. Case No. 11 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-2nd Additional District and Sessions Judge-cum-1st Exclusive



Special Judge Excise, 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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