

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40552 of 2022**

Arising Out of PS. Case No.-349 Year-2021 Thana- KALYANPUR District- Samastipur

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Ajay Kumar Sah @ Ajay Sah @ Ajay Kumar S/O Late Lal Babu Sah @ Late
Lalbabu Sah Resident of Village- Mohanpur, P.S.- Kalyanpur, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-08-2022 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
Kalyanpur P.S. Case No. 349 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act.



The accused/petitioner is named in the F.I.R. and is in custody since 25.05.2022.

The allegation against the petitioner is to involve in the illegal trading of illicit liquor, where 234 liters of foreign liquor was recovered from bamboo clumps of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on the spot and his name surfaced on the basis of disclosure made by unknown villagers. It is submitted that this is not a case of recovery of illicit liquor 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.

In view of 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 Kalyanpur P.S. Case No. 349 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 Special Excise Court-1, Samastipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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