

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43834 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- GOVERNMENT OFFICIAL COMP. Dis-
trict- Vaishali

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Mahesh Rai @ Bhullu Rangila Son of Late Chanarik Rai Resident of village -
Terasiya, P.S.- Gangabridge, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shivjee Singh, Advocate
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-09-2022 Heard learned counsel appearing on behalf of the peti-
tioner 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 Hajipur
Excise P.S. Case No. 58 of 2022 registered for the offence under
Sections 30(a), 30(c), 36, 41(1) and 41(2) of the Bihar Prohibi-
tion and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.06.2022.

The allegation against the petitioner is to involve in
the manufacturing and trading of illicit liquor, where 420 liters



of country made liquor, alongwith other articles, were recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor and other articles was made from open area i.e., bank of the Ganga river, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioner. It is further submitted that several other co-accused persons have already been granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 45089 of 2022 dated 31.08.2022. 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 and other articles 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 Hajipur Excise P.S.



Case No. 58 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 Excise
Court No.2-cum-Additional Sessions Judge, Vaishali at
Hajipur/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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