

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41008 of 2022**

Arising Out of PS. Case No.-39 Year-2022 Thana- BANGAWON District- Saharsa

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RAMESH SAH Son of Bilas Sah Resident of Village - Bhabhi Sah Chowk,
P.s.- Saharsa, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nityanand, APP

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

2 27-08-2022 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.

The petitioner seeks bail in connection with Bangaon P.S.
Case No. 39 of 2022 registered for the offence under Sections 30(a),
38(i) and 41 of the Bihar Prohibition and Excise Act, 2018 and under
Section 420, 467, 468 and 471 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.05.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 738 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of illicit liquor was made from “Bolero”



parked in front of the house of co-accused Chhotu Kumar. It is submitted that the name of the petitioner surfaced on the basis of disclosure made by said co-accused and admittedly, the recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It has been submitted that investigation is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the 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 Bangaon P.S. Case No. 39 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 Exclusive Court, Excise, Saharsa/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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