

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41843 of 2022

Arising Out of PS. Case No.-187 Year-2021 Thana- ISUAPUR District- Saran

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UMESH RAI Son of Chandar Rai Resident of village- Lauwa, P.S- Ishuapur,
Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, 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 Isuapur
P.S. Case No. 187 of 2021 registered for the offence under
Sections 30, 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 06.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 1200 litres of IMFL/country made liquor from an
open place.



Learned counsel appearing on behalf of the petitioner submitted that the recovery of illicit liquor was made from a pond, accessible by general public and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is further submitted that the name of petitioner surfaced on the basis of disclosure made by the co-accused persons. 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.

Considering the facts and circumstances as mentioned above, as the recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Isuapur P.S. Case No. 187 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 Exclusive Special Judge-I, 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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