

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42370 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- LAKHNAUR District- Madhubani

RUPESH SAH @ RUPESH KUAR SAH S/o Upendra Sah Resident of
Village - Pipra Ghat, P.S.- Lakhnaur, District - madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr.AAP

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
Lakhanpur (R.S.O.P.) P.S. Case No. 51 of 2022 registered for
the offence under Sections 272, 273 and 34 of the Indian Penal
Code and Section 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 22.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 603 litres of IMFL/country made liquor from an
open place.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of illicit liquor was made from an open place like bank of kamla river, which is accessible by general public and, as such, it cannot be said to be recovered 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 was made from an open place 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 Lakhanpur (R.S.O.P.) P.S. Case No. 51 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 Judge, Excise Act, Jhanjharpur/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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