

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43898 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- LADANIA District- Madhubani

Rohit Kumar Thakur Son of Naresh Thakur Resident of Village - Yogiya, P.s.-
Ladaniya, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-09-2022 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 Ladaniya
P.S. Case No. 265 of 2021 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Section
30(a) Bihar Prohibition and Excise Act, 2016.

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



custody since 07.05.2022.

The allegation against the petitioner is to involve in the illegal trading of illicit liquor, where 135 liters of Nepali liquor was recovered from the bushes, developed behind the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from bushes, developed behind the house of the petitioner, which was accessible by general public, as such, it cannot be said that recovery was made 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 Ladaniya P.S. Case No. 265 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/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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