

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43239 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- RAGHOPUR District- Vaishali

Indrajeet Ray Son of Late Medhu Rai Resident of Village - Rajaso, P.O.-
Rajaso, P.S.- Biddupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Smita Kumari, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, 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 Raghopur
P.S. Case No. 278 of 2021 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.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.03.2022.

The allegation against the petitioner is to involve in
the illegal business of illicit liquor, where 200 liters of illicit



liquor and 50 kgs of jaggery, alongwith other articles, were recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor and jaggery was made from the river side i.e., open area, which was accessible by general public, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioner and further nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the alleged recovery. 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 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 Raghapur P.S. Case No. 278 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 Special Judge, Excise, 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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