

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44459 of 2022

Arising Out of PS. Case No.-308 Year-2021 Thana- RIVILGANJ District- Saran

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Amit Kumar Singh @ Anish Kumar Singh Son of Pati Ram Singh R/v- Naya
Basti Loha Tola, P.S- Rivilganj, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-09-2022 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 Rivilganj
P.S. Case No. 308 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

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



custody since 09.05.2022.

The allegation against the petitioner is to involve in illegal trading of illicit liquor, where 240 liters of illicit liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from a boat found on the bank of river Saryu, 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 Rivilganj P.S. Case No. 308 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 2nd Exclusive Special Judge, Excise Court, Saran at Chhapra/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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