

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44164 of 2022

Arising Out of PS. Case No.-262 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Shubhlal Rai S/o Late Shiv Rai Resident of Village - Adalpur, P.S.- Motipur,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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 Motipur
P.S. Case No. 262 of 2020 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Sections
30(a) and 41(i)(2) of the Bihar Prohibition and Excise Act,
2018.



The accused/petitioner is named in the F.I.R. and is in custody since 01.05.2022.

The allegation against the petitioner is to involve in the illegal business of illicit liquor, where 160 liters of raw spirit was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the house of the petitioner, which was jointly occupied by other family members, as such, it cannot be said to be recovered 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 Motipur P.S. Case No. 262 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of
learned Exclusive Special Judge, Excise Court No.II,
Muzaffarpur/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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