

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45945 of 2022**

Arising Out of PS. Case No.-95 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

Munna Sah Son of - Laxman Sah Resident of Village - Raja Bazar Saheb tola,
P.S.- Bihiya, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s: Mr. Braj Kishore Pd., APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 13-09-2022 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 Buxar Rail P.S. Case No. 95 of 2022 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 25.06.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 43.280 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from an abundant bag at railway platform, which is accessible by general public, where petitioner is not connected in any manner with the alleged recovery, as such, it cannot be said to be recovered from conscious physical possession of the petitioner. It is submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been categorically submitted that investigation of this case is completed, where, charge sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner coupled with the fact that charge sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Buxar Rail P.S. Case No. 95 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 Exclusive Special Excise Court No.1, Bhojpur, Ara/concerned



Court, subject to the conditions as laid down u/s 437(3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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