

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46425 of 2022

Arising Out of PS. Case No.-551 Year-2021 Thana- ALAMGANJ District- Patna

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PRABHU RAM Son of Late Yogendra Ram @ Joginder Ram R/v- Meena
Bazar, Domkhana, Police Station- Alamganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2, Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Alamganj
P.S. Case No. 551 of 2021 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.08.2021.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 350 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from open place, in front of the house of this petitioner, which is accessible by general public, as such, it cannot be said that recovery was made from conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case is completed, for which, charge sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the 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 Alamganj P.S. Case No. 551 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction Court of Learned Special Judge, Excise, Patna City, Patna/concerned court, subject to the conditions as mentioned under Section



437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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