

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46219 of 2022**

Arising Out of PS. Case No.-48 Year-2022 Thana- RAUTA District- Purnia

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MD. ASIF @ ASHIQUE @ MD. ASIK S/o Md. Shamsad @ Shamsad Alam
Resident of village - Rupeli, P.S.- Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, 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 Rauta P.S.
Case No.48 of 2022 registered for the offence under Sections
272 and 273 of the Indian Penal Code and Section 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 18.04.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 181.995 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was co-passenger of the alleged vehicle, from where illicit liquor was recovered, who took a lift for a local destination, 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 has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor was not made from conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rauta P.S. Case No.48 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 Judge, Court No.2, Purnea/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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