

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45959 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BARH District- Patna

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Binod Rai Son of Late Ramjee Rai Resident of Village - Pachhiyari Malahi,
P.s.- Barh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Manoj 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 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 Barh P.S. Case No. 44 of 2022 registered for the offence under 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 04.06.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 70 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from bank of river i.e. '*Ganga*', which is an open place and accessible by general public and as such it cannot be said to be recovered from conscious physical possession of the petitioner. It is submitted that name of the petitioner surfaced on the basis of disclosure made by unknown person like labour working near the place, where alleged recovery was made. While concluding the argument, it has been submitted that investigation of this case is complete, where 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 alleged recovery of illicit liquor was made from open place 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 Barh P.S. Case No. 44 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 Special Court, Excise, Barh, District- Patna/ 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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