

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46384 of 2022

Arising Out of PS. Case No.-330 Year-2022 Thana- BIHPUR District- Bhagalpur

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CHHOTTU SAH @ DINBANDHU Son of Umesh Sah @ Umesh Prasad Sah
Resident of Village - Amarpur, Ward No. 2, P.S.- Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Ms.Sharda Kumari, 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 Bihpur
P.S. Case No.330 of 2022 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 21.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 121.620 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of secret input, where recovery of illicit liquor was made from banana field of one Vikash Chaudhary, which is an open place, accessible by general public, as such, it cannot be said to be made from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during course of investigation which may connect petitioner with present recovery. 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 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 Bihpur P.S. Case No.330 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 IX Additional District and Sessions Judge-cum-Special Excise Judge,



Bhagalpur/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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