

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46750 of 2022**

Arising Out of PS. Case No.-29 Year-2022 Thana- RAFIGANJ District- Aurangabad

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RAJA CHAUDHARY S/O MAHENDRA CHAUDHARY Resident of
village- Charkawa Nichla Dih, P.S.- Rafiganj, District- Auangabad (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

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

2 14-09-2022 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 Rafiganj
P.S. Case No. 29 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 24.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 189.125 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of illicit liquor was made from open



field, accessible by general public, as such, it cannot be said that recovery was made from conscious physical possession of the petitioner. It is submitted that name of the petitioner surfaced on the basis of secret input provided by police spy. It is further submitted that seizure list is not supported by independent witnesses, rather by police personnel.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from open field coupled with the fact that seizure list appears to be doubtful, let the petitioner, above named, is directed to be released on bail in connection with Rafiganj P.S. Case No. 29 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 Judge Excise-I, Aurangabad/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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