

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47249 of 2022

Arising Out of PS. Case No.-255 Year-2022 Thana- BARUN District- Aurangabad

MANGAR CHAUDHARI S/o Late Anachh Chaudhary @ Anchchh Chaudhary Resident of Village- Mohan Ganj, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-09-2022 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 Barun
P.S. Case No. 255 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 20.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 4000 Kg of wet Mahua flower & utensils.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of wet mahua flower was made from open area of 'Sone' river's diyara, which is accessible by general public, as such, it cannot be said that recovery of wet mahua flower was made from conscious physical possession of the petitioner, who is a man of clean antecedent. It is submitted that name of the petitioner surfaced on the basis of secret input.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of wet mahua flower and utensils were made from the open place and, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Barun P.S. Case No. 255 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-1st. 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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