

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47702 of 2022

Arising Out of PS. Case No.-221 Year-2022 Thana- BARUN District- Aurangabad

1. Udal Choudhary Son of Late Paltan Choudhary Resident of village/Mohalla - Pacca Mohalla, P.S. Barun, District - Aurangabad (Bihar).
2. Manoj Choudhary Son of Ramji Choudhary Resident of village/Mohalla - Pacca Mohalla, P.S. Barun, District - Aurangabad (Bihar).
3. Sudarshan Choudhary Son of Manoj Choudhary Resident of village/Mohalla - Pacca Mohalla, P.S. Barun, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-09-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Barun P.S.
Case No. 221 of 2022 registered for the offence under Section 30(a)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in
custody since 31.05.2022.

The allegation against the petitioners is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 55 litres of IMFL/country made liquor from an open place.



Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged illicit liquor was made from an open area of “**Sone Diyara**” which is an open place and accessible by general public and as such it cannot be said that recovery of illicit liquor was made from conscious physical possession of these petitioners, who are men of clean antecedent, moreover, investigation of this case 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 recovery of illicit liquor cannot be said to be made from conscious physical possession of these petitioners coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Barun P.S. Case No. 221 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Spl. Judge Excise 1st Aurangabad (Bihar)/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

