

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47477 of 2022**

Arising Out of PS. Case No.-211 Year-2022 Thana- DARIYAPUR
District- Saran

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Naman Kumar @ Neman Kumar S/o Khedan Ray @ Khedar Ray
R/o village- English, P.S.- Dariyapur, District- Saran
... .. Petitioner/s
Versus

The State of Bihar
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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

ORAL ORDER

2 19-09-2022 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 Dariyapur
P.S. Case No. 211 of 2022 registered for the offence under
Sections 30(a), 30(d) and 33 of the Bihar Prohibition and Excise
Act, 2012.



The accused/petitioner is named in the F.I.R. and is in custody since 15.06.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 40 litres of illicit IMFL /country made liquor from English Chawar.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit country made liquor was made from an open area “**Chawar**”, which is accessible by general public and as such cannot be said that recovery was made from conscious physical possession of this petitioner. Petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which 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 recovery of alleged illicit liquor cannot be said to be made from conscious physical possession of this 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 Dariyapur P.S. Case No. 211 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 Addl. District and Sessions Judge-IIInd-cum-1st Exclusive Special Judge Excise, Saran (Chapra)/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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