

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47251 of 2022

Arising Out of PS. Case No.-344 Year-2022 Thana- MALSALAMI District- Patna

RAKESH PANDIT @ RAKESH KUMAR Son of Late Suman Pandit R/O
Jamunapur, chaitola, P.S- Malsalamy Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kritu Verma, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, 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
Malsalamy P.S. Case No. 344 of 2022 registered for the offence
under Sections 30(a) and 36 of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 110 litres of IMFL/country made liquor.

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



developed in the open place, which is accessible by general public and, as such, it cannot be said that recovery of illicit liquor was made from conscious physical possession of the petitioner, who is a man of clean antecedent. It is further submitted that name of the petitioner surfaced on the basis of disclosure made by unknown local people.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from open place and, as such, it cannot be said that recovery of illicit liquor 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 Malsalamy P.S. Case No. 344 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, Patna City/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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