

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47914 of 2022**

Arising Out of PS. Case No.-179 Year-2021 Thana-
KUSHESHWARASTHAN District- Darbhanga

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Mister Paswan S/o Late Kari Paswan @ Ram Abtar Paswan R/o
village- Rampur Raut, P.S.- Kusheshwar Asthan, District- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No., APP 1

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

ORAL ORDER

2 20-09-2022 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 Kusheshwar
Asthan P.S. Case No. 179 of 2021 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 24.03.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 354.75 litres of illicit IMFL /country made liquor from
his house.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the house of this petitioner, which is jointly occupied and as such cannot be said that recovery of alleged illicit liquor was made from conscious physical possession of this petitioner. It is further submitted that 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 Kusheshwar Asthan P.S. Case No. 179 of 2021 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 Act) – II, Darbhanga/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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