

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47733 of 2022

Arising Out of PS. Case No.-45 Year-2019 Thana- MAJHAULIA District- West Champaran

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RANJIT MUKHIYA @ RANJIT BIN S/O RAGHUVVEER MUKHIYA
Resident of Ahwar Sekh Tola, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Ms.Madhuri Lata, 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
Majhauria P.S. Case No. 45 of 2019 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 29.04.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 1000 litres of spirit.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged spirit was made from bank of '**Dhanauti**' river, which is an open place and accessible by general public, as such, it cannot be said that recovery of alleged spirit was made from conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation of this case is complete, where 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 spirit was made from open place, as such, it cannot be said that recovery was made from conscious physical possession of the 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 Majhauiliya P.S. Case No. 45 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah, West Champaran/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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