

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48590 of 2022

Arising Out of PS. Case No.-484 Year-2021 Thana- FATUA District- Patna

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Suman Kumar @ Suman Yadav Son of chadradeo Ray @ Chandoli Prasad
Resident of Village Begwanpur, P.S.- Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-09-2022 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 Fatuha P.S.
Case No. 484 of 2021 registered for the offence under Section
30(a)/33/34/36/41/56(b) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.03.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 100 litres of illicit IMFL /country made liquor (Mahua
wine).

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of country made liquor was made from the bank of Punpun river, which is a public place and accessible by general public, as such it cannot be said that same was recovered from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that 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 was made from an open area 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 Fatuha P.S. Case No. 484 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, Patna city, Patna/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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