

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52528 of 2022

Arising Out of PS. Case No.-134 Year-2022 Thana- SHAHKUND District- Bhagalpur

Chandan Kumar Choudhary Son of Sri Jagdish Choudhary Village Radha
Nagar P.S. Shahkund (SAJOUR) District Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Shahkund P.S.
Case No. 134 of 2022 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 14.07.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 100 litres of toddy from the place of occurrence.

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



house of the petitioner, which is jointly occupied by other family members and, as such, it cannot be said that recovery was made from the conscious physical possession. It is also pointed out that the compliance of Section 100(4) of the Cr.P.C. was not made in present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the 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 Shahkund (Sajour) P.S. Case No. 134 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, Exclusive Excise Court No.2, Bhagalpur/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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