

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53025 of 2022

Arising Out of PS. Case No.-466 Year-2018 Thana- BARH District- Patna

Arbind Rai Son of Yogi Rai R/O Village- Pachhiyari Malahi, P.S.- Barh,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-10-2022 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 Barh P.S.
Case No. 466 of 2018 registered for the offence under Section
30(a)/38/41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.04.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 35 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of alleged country made illicit liquor
along with packing materials was made from the house of the
petitioner, which is occupied by other family members/co-accused



and as such it cannot be said that recovery of illicit liquor was made from conscious physical possession of this petitioner. It is further submitted that compliance of Section 100(4) of Cr.P.C. was not made in the present case. While concluding the argument, it has been submitted that investigation of this case has been completed, where 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 not appears 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 Barh P.S. Case No. 466 of 2018 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 Excise Court, Barh, 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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