

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54870 of 2022

Arising Out of PS. Case No.-591 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

1. Bachcha Rai Son of Rajendra Ray Resident of village- Mahto Mushari, P.S- Mufassil, District- Saran
2. Jaipal Ram S/O Late Muneshwar Ram Resident of village- Mahto Mushari, P.S- Mufassil, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the State : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP 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 petitioners seek bail in connection with Mufassil P.S. Case No. 591 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioners are named in the F.I.R. and



are in custody since 10.08.2022.

The allegation against the petitioners is to be involved in illegal business of illicit liquor, where 120 liters of country made liquor was recovered.

Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit liquor was made from open place like '*Chawar*', which is accessible by general public, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioners. While concluding the argument, it is submitted that petitioners are men of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor was made from open place coupled with the fact that chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Mufassil P.S. Case No. 591 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the



satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Saran at Chapra/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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