

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55725 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- NAWANAGAR District- Buxar

Sonu Sah Son of Bira Sah Resident of Village - Roopsagar, P.S.- Nawanagar,
Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with
Nawanagar P.S. Case No. 276 of 2022 registered for the offence
under Section 30(a), 30(c), 30(d), 33, 34, 36 and 41(1)(2) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

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



custody since 19.08.2022.

The allegation against the petitioner is to be involved in illegal trading of illicit liquor, where a total of 219.180 liters of English wine and spirit alongwith a mobile was recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged spirit and liquor was made from the bush developed on the bank of Kav River, which is accessible by general public and, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioner. It is further submitted that the recovered mobile belongs to the petitioners and is not connected, in any manner, with the alleged recovery. While concluding the argument, it is categorically submitted that 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 is not appearing from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Nawanagar P.S. Case No. 276 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 Court of Excise No.2, Buxar/concerned Court,
subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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