

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56774 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- PIYAR District- Muzaffarpur

Md. Muslim Son of Late Md. Hamedul @ Late Md. Hamidul R/O Village-
Badahi Chaur Piar @ Piar Urf Bishanpur, P.S.- Piar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the State : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Piar P.S.
Case No. 106 of 2022 registered for the offence under Section
272, 273, and 34 of Indian Penal Code and Section 30(a) Bihar
Prohibition and Excise (Amendment) Act 2016-2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.05.2022.

The allegation against the petitioner is to involve in
illegal business of illicit liquor, where 40 liters of toddy was



recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the house of the petitioner, which is jointly occupied by other family members and, as such, it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is further pointed out that compliance of Section 100(4) of the Cr.P.C. was not made in the present case regarding search of house/premises. While concluding the argument, it is submitted that petitioner is a man 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 not appears to be made 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 Piar P.S. Case No. 106 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 Special Judge (Excise), Court No.II, Muzaffarpur/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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