

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56948 of 2022

Arising Out of PS. Case No.-201 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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Santosh Kumar Son of Bairag Sah Resident of village - Shivsagar, Station
Road, Kurtha, P.S.- Shivsagar, District - Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate
For the State : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-11-2022 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 Excise
Case No. 245 of 2022 (F.I.R. No. 201 of 2022) registered for the
offence under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.07.2022.

The allegation against the petitioner is to be involved
in illegal trading of illicit liquor where 9.40 liters of country



made liquor was recovered from cow shed and 800 kg of raw materials like Jawa Mahua, Khar etc., and 10 liters of foreign liquor was recovered from bank of river Kudra.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the open area of Kudra River, where certain part i.e., about 9.40 liters of illicit liquor was recovered from the cow shed, which is accessible by other family members and, as such, it cannot be said that the recovery of illicit liquor was made from the conscious physical possession of the petitioner. While concluding the argument, it is 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 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 Excise Case No. 245 of 2022 (F.I.R. No. 201 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, Excise, Rohtas at Sasaram/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-
S.Tripathi/-

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