

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55683 of 2022

Arising Out of PS. Case No.-35 Year-2020 Thana- RAJPUR District- Rohtas

Sanjay Choudhary @ Baiju Kumar Son Of Rohit Choudhary Resident of
Village- Khanda, P.S.- Sasaram (Mufssil), District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 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 Rajpur
P.S. Case No. 35 of 2020 registered for the offence under
Sections 414 and 34 of the Indian Penal Code and under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.07.2021.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 3411.90 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of apprehended co-accused, where petitioner is not connected in any manner with alleged recovery of illicit liquor and the alleged vehicle where illicit liquor was recovered and, as such, it cannot be said that recovery was made from the conscious physical possession of this petitioner. It is further submitted that petitioner involved in four (4) criminal cases, where he is on bail in all cases. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the 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 Rajpur P.S. Case No. 35 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-cum-Additional District & Sessions Judge, Rohtas



at Sasaram/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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