

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56399 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- BARHIYA District- Lakhisarai

Rahul Singh @ Bato Singh @ Bato Son of Lalan Singh @ Lalan Kumar R/V-
Barahiya, Ram Charan Tola, Ward No. 6, P.S- Barahiya, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, 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 Barahiya
P.S. Case No. 169 of 2022 registered for the offence under
Sections 30(a) and 37(b) of the Bihar Prohibition and Excise
Act, 2018 and under Section 414 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.07.2022.

The allegation against the petitioner is to have in
possession of one stolen motorcycle and also be engaged in
illegal trading/manufacturing of illicit liquor, where, there is
recovery of 600 millilitres of IMFL/country made liquor from



the alleged cattle shed.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the cattle shed belongs to this petitioner, which is accessible by general public/family members and, as such, it cannot be said that the recovery of illicit liquor was made from his conscious physical possession. It is further pointed out that the petitioner is not connected in any manner with alleged stolen motorcycle, as same belongs to other co-accused. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering 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 conscious physical possession of this petitioner, who is a man of clean antecedent 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 Barahiya P.S. Case No. 169 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 Additional District and Sessions Judge
IV-cum-Special Judge Excise, Lakhisarai/concerned court,
subject to the conditions as mentioned under Section 437 (3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

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