

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56022 of 2022**

Arising Out of PS. Case No.-239 Year-2022 Thana- DARBHANGA District- Darbhanga

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MUNCHUN MANDAL S/O- Late Tufani Mandal Resident of Village- Imli
Ghat ward no- 22 P.S- Town, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate
For the Opposite Party/s : Mr.Naveen Kr. Pandey, APP

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**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 Town P.S.
Case No. 239 of 2022 registered for the offence 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 26.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 37.5 litres of Nepal wine/illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the house of the petitioner which is jointly occupied by other family members and, as such it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is further submitted that seizure list is also appearing doubtful, being not supported by independent witnesses. 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, 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 Town P.S. Case No. 239 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 Exclusive Special Judge-I (Excise Act),



Darbhanga/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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