

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56992 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- KOILWAR District- Bhojpur

=====

Nirmal Rai Son of Late Jhulan Rai Resident of Village Mirapur, P.S.- Koilwar
(Gidha O.P.), District - bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

=====

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 Koilwar
(Gidha O.P.) P.S. Case No. 244 of 2022 registered for the
offence under Section 30(a) of Bihar Excise and Prohibition
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.04.2022.



The allegation against the petitioner is to be involved in illegal trading of illicit liquor, where 200 liters of illicit country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the bush developed in front of the house of the petitioner, which is accessible by general public and, as such, it cannot be said that 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 Koilwar (Gidha O.P.) P.S. Case No. 244 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 2nd Exclusive Special Excise Court,
Bhojpur, Ara/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/-

U		T	
---	--	---	--

