

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57901 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- TERHAGACHH District- Kishanganj

GHARU LAL BAITHA Son of Late Chiran Lal Baitha Resident of Village-
Thakur Tola Matiyari, P.S.- Tedhagachh, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with

Tedhagachh P.S. Case No.54 of 2021 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 17.08.2022.

The allegation against the petitioner is to be engaged

in illegal trade of illicit liquor, where, there is recovery of 109

litres of illicit liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the house of the petitioner, which is jointly occupied by other family members, as such, it cannot be said that the alleged recovery was made from the conscious physical possession of the petitioner. It is further pointed out by learned counsel that compliance of Section 100(4) of Cr.P.C. was not made in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has already 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.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Tedhagachh P.S. Case No.54 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum- Special Judge (Excise)-1, Kishanganj /



concerned court, subject to conditions, as mentioned under
section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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