

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56801 of 2022

Arising Out of PS. Case No.-181 Year-2022 Thana- SITAMARHI District- Sitamarhi

Sanjay Rai Son of Upendra Rai R/O Village- Bariyarpur, P.S.- Sitamarhi,
Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the State : Mr. Braj Kishore Pd., 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 Sitamarhi
P.S. Case No. 181 of 2022 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.05.2022.

The allegation against the petitioner is to be involved
in illegal trading of illicit liquor, where 213.9 liters of illicit
liquor was recovered.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery of illicit liquor was made
from abandoned place i.e., near bank of river, which is



accessible by general public and, as such, it can be safely gathered that recovery of illicit liquor was not 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 was made from open area, which is accessible by general public 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 Sitamarhi P.S. Case No. 181 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 Special Judge, Exclusive Excise Court-II, Sitamarhi/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/-

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