

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61038 of 2022

Arising Out of PS. Case No.-253 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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Ajay Choupal S/O Late Mahendra Choupal Resident of village- Godhail Ward
No- 10, P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-11-2022 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 P.R. Case No.
253 of 2022 registered for the offence under Sections 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 21.07.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 174.240 litres of IMFL/country made liquor from the alleged hut.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged hut from where illicit liquor was alleged to



be recovered is not connected in any manner with the petitioner. It is further submitted that the said hut is also accessible by general public and, as such, it can be safely gather that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that 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 alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent 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 P.R. Case No. 253 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-1 (Excise Act), Darbhanga/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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