

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56790 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- ROHTAS District- Rohtas

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Ajit Kumar Son of Nageshwar Chaudhary Resident of Village- Rasulpur, P.O.
Banjari, P.S. Rohtas, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Advocate
For the State	:	Mr. Nand Kumar, APP

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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 Rohtas
P.S. Case No. 70 of 2022 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.05.2022.

The allegation against the petitioner is to be involved
in illegal trading of illicit liquor, where 250 liters of country



made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from open field, which is accessible by general public and, as such, it cannot be said that alleged recovery of illicit liquor was made from conscious physical possession. It is further pointed out that name of the petitioner surfaced in the present case, merely, on the basis of suspicion, as raised by local chowkidar. It is also pointed out that petitioner is involved in one more criminal case, where he is on bail. 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 field, 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 Rohtas P.S. Case No. 70 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
Excise Court-2-cum-Additional District and Sessions Judge,
Rohtas at Sasaram/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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