

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58172 of 2022

Arising Out of PS. Case No.-743 Year-2022 Thana- ARA NAGAR District- Bhojpur

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Mukesh Kumar Son of Jaiprakash Yadav @ Jayprakash Rai R/O Village-
Chotki Itahna, P.S.- Krishnagarh (Barahara), District- Bhojpur At Ara
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate
For the State : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 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 Ara Town
P.S. Case No. 743 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.08.2022.

The allegation against the petitioner is to have in
possession of 25 liters of illicit liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery of illicit liquor was made
from the jointly occupied motorcycly and, as such, it can be
safely gathered that recovery was not made from the conscious



physical possession of petitioner, who is a man of clean antecedent. 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, who is a man of clean antecedent 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 Ara Town P.S. Case No. 743 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 Judge, 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/-

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