

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68789 of 2021**

Arising Out of PS. Case No.-142 Year-2021 Thana- ROSHANGANJ District- Gaya

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Teni Mandal Son of Arjun Mandal @ Arjun Bhuiya Resident of Village -
Karman, Police Station - Amas, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-10-2022 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
Raushanganj P.S. Case No. 142 of 2021 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.09.2021.



The allegation against the petitioner is to have in possession of 150 liters of liquor, which was recovered from a tempo.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from a tempo, which is not connected, in any manner, with the petitioner and, as such, the alleged recovery cannot be said to be made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 is not appearing 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 Raushanganj P.S. Case No. 142 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 Additional Sessions Judge-II-cum-Special Judge of Excise Act, Gaya/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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