

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59997 of 2022

Arising Out of PS. Case No.-220 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Gautam Mandal Son Of Upendar Mandal @ Upendra Mandal R/O Village-
Jogmela, P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Umesh Prasad, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Lakhisarai
Excise P.S. Case No.220C-2 of 2022 registered for the offence
under Sections 30(a) and 56(b) of the Bihar Prohibition and
Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.08.2022.

The allegation against the petitioner is to be in



possession of illicit liquor, where, there was recovery of 40 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the jointly occupied motorcycle and, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not appears to be made from the conscious physical possession of this petitioner, 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 Lakhisarai Excise P.S. Case No.220C-2 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 Additional Sessions Judge V-cum-Exclusive Special Court-2, Excise Act, Lakhisarai/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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