

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57520 of 2022**

Arising Out of PS. Case No.-79 Year-2021 Thana- RAJNAGAR District- Madhubani

Prem Roy @ Prem Kumar Roy Son of Pawan Roy @ Pawan Kumar Roy
R/V- Ekma, P.S- Rajnagar, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 17-11-2022 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 Rajnagar P.S.
Case No. 79 of 2021 registered for the offence under Sections 272
and 273 of the Indian Penal Code and under Section 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 23.08.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 878.600 litres of IMFL/country made liquor from an open place.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor was made from an



open place near one government school from a tent, which is not connected in any manner with this petitioner and also accessible by general public and, as such, it can be safely gathered that alleged recovery of illicit liquor was not made from the conscious physical possession of this petitioner. 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 alleged recovery of illicit liquor was made from an open place 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 Rajnagar P.S. Case No. 79 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 Court of Additional Session Judge II-cum-Special Judge, Excise Act, Madhubani/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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