

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64672 of 2022

Arising Out of PS. Case No.-241 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Vinod Chaudhary Son of Sita Ram Chaudhary Resident of village - Shekh
Toli (Pokhara Par), P.S.- Mohiuddin Nagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar, Advocate
For the State : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Mohiuddin Nagar P.S. Case No. 241 of 2021 registered for the

offence under Sections 30(a) and 34 of the Bihar Prohibition

and Excise (Amendment) Act, 2018.

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

custody since 07.09.2022.

The allegation against the petitioner is to have in



possession of 7 liters of country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the house of the petitioner, which is jointly occupied by other family members and, as such, it can be said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is further submitted that compliance of Section 100(4) of the Cr.P.C. was not made in the present case. It is 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 not appears to be made from conscious physical possession of the petitioner coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mohiuddin Nagar P.S. Case No. 241 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
Special Judge (Excise)-II, Samastipur/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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