

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57691 of 2022

Arising Out of PS. Case No.-269 Year-2022 Thana- NOKHA District- Rohtas

Jairam Chaudhary S/o Late Laxuman Choudhari R/V- Sariyaw, P.S.- Nokha,
Distt- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Ms. Renu Kumari, 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 Nokha
P.S. Case No. 269 of 2022 registered for the offence under
Sections 30(a) and 37(b)(c) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 63 litres of IMFL/country made liquor from the
place of occurrence.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of apprehended co-accused, namely, Md. Iliyas Ansari and admittedly, the recovery of illicit liquor was not made from the physical possession of this petitioner. It is further submitted that even, as per the seizure list, the recovery of alleged illicit liquor was made from the bush developed in open field is accessible by general public. It is also pointed out that petitioner is involved in one case, where he is on bail. 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 recovery of alleged illicit liquor 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 Nokha P.S. Case No. 269 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 Court No. 2-



cum-Additional District and Sessions Judge, Rohtas at
Sasaram/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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