

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59044 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- Dehri Mufassil District- Rohtas

Santosh Paswan S/o Dashrath Ram R/V- Sakhra, P.S.- Dehri(Muffasil), Distt-
Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-11-2022 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 Dehri
(Muffasil) P.S. Case No. 128 of 2022 registered for the offence
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 26.07.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 20 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of illicit liquor was made from the
cowshed, which is accessible by other family members also and as



such it cannot be said that the recovery of alleged illicit liquor was made from the conscious physical possession of this petitioner. It is further submitted that petitioner involved in one more similar nature of case, where he is on bail. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dehri (Muffasil) P.S. Case No. 128 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 Court of Exclusive Special Judge, Excise-1, 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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