

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59526 of 2022

Arising Out of PS. Case No.-181 Year-2022 Thana- DUMRAO District- Buxar

Manoj Choudhary Son of Late Goverdhan Choudhary Resident of Village-
Purana Bhojpur, P.S.- Dumraon, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nirbhay Prashant, Advocate

For the Opposite Party/s : Mr. Naveen Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 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 Dumraon
(Naya Bhojpur OP) P.S. Case No. 181 of 2022 registered for the
offence under Sections 30(a) and 37(2) 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 08 litres of IMFL/country made liquor from the court yard of the
petitioner.

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



court yard i.e., *Angan* of the house of petitioner, which is accessible by all family members and, as such, it cannot be said that recovery was made from his conscious physical possession. It is submitted that petitioner involved in 4 more criminal cases, where he is on bail in 3 cases, the name of petitioner also surfaced in present case, having otherwise no bearing over the merit of present case. 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 illicit liquor not appears to be made from 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 Dumaron (Naya Bhojpur OP) P.S. Case No. 181 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 Special Excise Court-I, Buxar/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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