

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72236 of 2021**

Arising Out of PS. Case No.-253 Year-2021 Thana- UJIYARPUR District- Samastipur

Ganga Sah @ Ganga Prasad Sah s/o late tetar sah r/o village- jawaharpur, p.s.-
Ujiyarpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

3 30-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Ujiyarpur
P.S. Case No. 253 of 2021 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.08.2021.



The allegation against the petitioner is to have in possession of 10 liters of country made liquor, which was recovered from the partly constructed house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the partly constructed house of the petitioner, which was accessible by general public, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in one more case of similar nature, in which 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, while opposing the prayer of bail, fairly conceded that recovery was made from the partly constructed house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ujiyarpur P.S. Case No. 253 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 Additional Sessions Judge-II-cum-Special Judge, Excise, 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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