

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58946 of 2022

Arising Out of PS. Case No.-527 Year-2021 Thana- BAHADURPUR District- Darbhanga

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Om Prakash Jha S/O Udan Jha Resident of village- Ughra, P.S.- Bahadurpur
(Pator O.P.), District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-11-2022 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
Bahadurpur (Pator O.P.) P.S. Case No. 527 of 2021 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 04.08.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 16.500 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, as per seizure list, recovery of alleged illicit liquor was made from mango orchard, which is an open place and accessible by general public and, as such, it can be safely gathered that alleged recovery was not made from the conscious physical possession of the petitioner. It is further submitted that petitioner found involved in four (4) criminal cases and due to his criminal antecedents, petitioner has falsely been implicated in the present case also. While concluding the argument, it has been submitted that investigation of this case is complete, for which, 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 alleged illicit liquor was made from mango orchard, which is an open place 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 Bahadurpur (Pator O.P.) P.S. Case No. 527 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-1 (Excise Act), Darbhanga/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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