

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62814 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- AKHODHIGOLA District- Rohtas

Anil Paswan S/o Late Sipahi Ram R/o Village- Gobardhanpur, P.S.-
Akorhigola, Distt- Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Singh, Advocate
For the State	:	Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

The petitioner seeks bail in connection with Akorhigola
P.S. Case No.78 of 2022 registered for the offence under 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 06.06.2022.

The allegation against the petitioner is to be involved
in illegal trading of illicit liquor, where, there was recovery of



15 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from open place beside road, which is accessible by general public, and as such, it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as the recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has been submitted, let above named petitioner directed to be released on bail in connection with Akorhigola P.S. Case No.78 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 Judge, Excise-I, 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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