

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60232 of 2022**

Arising Out of PS. Case No.-101 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Niteshwar Rai @ Niteshwar Yadav Son of Batahu Rai @ Bathu Ray Resident
of village - Ramauli, P.S.- Gaighat (Benibad O.P.), District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate
For the State : Mr. Rabindra Kumar, APP

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

2 24-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Gaighat (Benibad O.P.) P.S. Case No.101 of 2021 registered for the offence under Sections 272, 273, 414 and 34 of Indian Penal Code and Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 22.08.2022.



The allegation against the petitioner is to be in possession of illicit liquor, where, there was recovery of 222.375 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the house of co-accused namely, Ramanand Rai and admittedly not from the conscious physical possession of this petitioner. 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 alleged illicit liquor not appears to be made from conscious physical possession of the 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 Gaighat (Benibad O.P.) P.S. Case No.101 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 Exclusive Special Judge,



Excise Court No.1, Muzaffarpur/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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