

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62329 of 2022**

Arising Out of PS. Case No.-53 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

=====

Umesh Rai Son of Chandar Ray R/v- Lauwan, P.S.- Isuapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, 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 counsel appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Excise P.S.
Case No. 53 of 2021 registered for the offence under Sections 30(a)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is in custody since 21.09.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 44.850 litres of IMFL/country made liquor from an open place.

Learned counsel appearing on behalf of the petitioner
submitted that as per seizure list alleged recovery of illicit liquor was
made from an open field behind the “*Dalan*” of the petitioner, which



is an open place and accessible by general public and, as such it can be safely said that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from an open place, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 53 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 2nd Additional Sessions Judge-cum-Exclusive Special Judge, Excise, Saran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

