

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61168 of 2022

Arising Out of PS. Case No.-791 Year-2022 Thana- BARACHATTI District- Gaya

Arjun Paswan S/O Ramjit Paswan Resident of village- Dhanichak, P.S.-
Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Amrendra Kumar Sinha No.1, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-11-2022 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 Barachatti
(Mohanpur O.P.) P.S. Case No.791 of 2022 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.09.2022.

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



61.200 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 tempo/TSR which is a public carrier and accessible by general public at large, and as such, it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of the petitioner. It is further submitted that petitioner is involved in one more criminal case of similar nature, where he is on bail. 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 Barachatti (Mohanpur O.P.) P.S. Case No.791 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 Court
No.2, Gaya/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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