

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60220 of 2022

Arising Out of PS. Case No.-200 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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Aakash Kumar Rai @ Aakash Kumar S/O Late Anandi Rai Resident of
Village- Baburbani, P.S.- Sonpur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Atul Shankar, Advocate
For the Opposite Party/s : Ms.Pronoti Singh, APP

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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.

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. Saran Case No. 200 of 2022 registered for the offence

under Section 30(a)(b) of the Bihar Prohibition and Excise Act,

2018.

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

custody since 21.05.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there

was recovery of 100 litres of IMFL/country made liquor along



with 5000 KG Jawa and Gur solution and utensils which was being used for manufacturing purpose.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor along with jaggery/gur solution and utensils were made from open place of Ganga '**Diyara**' which is an open place and accessible by general public and, as such, it can be safely gathered that recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. 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 illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Excise P.S. Saran Case No. 200 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 Court Excise-cum-A.D.J.-II,
Saran at Chapra/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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