

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61027 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BADHAILA District- Rohtas

Rajendra Kumar S/o Late Lalmuni Paswan R/o Village- Srinagar Suara Tola,
P.S.- Bagaila, Distt- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the State : Mr. Surendra Kumar, 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.

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

The petitioner seeks bail in connection with Baghaila
P.S. Case No. 44 of 2022 registered for the offence under
Section 30(a)(c) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.06.2022.



The allegation against the petitioner is to be involved in illegal manufacturing of illicit liquor, where 30 liters of illicit liquor, alongwith other utensils was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor, alongwith other utensils, was recovered from open place i.e., bank of river, 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 the petitioner. It is further submitted that petitioner is involved in one more criminal case, where he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

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

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor appears to be made from open place coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Baghaila P.S. Case No. 44 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.1, Rohtas at Sasaram/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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