

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61164 of 2022

Arising Out of PS. Case No.-624 Year-2022 Thana- DEHRI TOWN District- Rohtas

1. Mantu Kunwar @ Antu Kunwar @ Manti Devi Wife Of Late Lather Chaudhari R/O Village- Kamranganj, Ward No. 39, P.S.- Dehri (T), District- Rohtas
2. Prashuram Chaudhary Son Of Late Lather Chaudhari R/O Village- Kamranganj, Ward No. 39, P.S.- Dehri (T), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Siddharth Harsh, Advocate
For the State	:	Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-11-2022 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Dehri (T) P.S.
Case No.624 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

The accused/petitioners are named in F.I.R., where
petitioner No.1 is in custody since 18.08.2022 and petitioner
No.2 is in custody since 05.09.2022.



The allegation against the petitioners is to be in possession of illicit liquor, where, there was recovery of 15 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of alleged illicit liquor was made from the yard of the house, which is accessible by all other family members, being a joint house, and as such, it can be safely gathered that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner, who is a man of clean antecedent. 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 illicit liquor not appears to be made from conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Dehri (T) P.S. Case No.624 of 2022 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, Court No. 1, Rohtas at Sasaram/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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