

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61033 of 2022**

Arising Out of PS. Case No.-149 Year-2022 Thana- CHORAUT District- Sitamarhi

Jilajit Kumar Son of Bechan Ray R/V- Basotra, P.S- Chaurat, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate
For the State : Mr. Syed Mojibur Rahman, 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 Choraut
P.S. Case No. 149 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act and
Section 414 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.07.2022.



The allegation against the petitioner is to have in possession of 84 liters of illicit Nepali Saufi liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not connected, in any manner, with the alleged motorcycle, from where recovery of illicit liquor was made and, as such, it can be safely gathered that recovery of 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 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 not appears to be made from conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Choraut P.S. Case No. 149 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 Exclusive Excise Court-II,
Sitamarhi/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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