

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66218 of 2022

Arising Out of PS. Case No.-255 Year-2022 Thana- RAJNAGAR District- Madhubani

Nagmani Kumar Son Of Ramchandra Mahto R/O Village- Seliboli, P.S.- Ba-
sopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

The petitioner seeks bail in connection with Rajnagar P.S.
Case No.255 of 2022 registered for the offence under Sections
272, 273, and 34 of the Indian Penal Code and Section 30(a) and
41(i) of the Bihar Prohibition and Excise Act, 2022.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.09.2022.

The allegation against the petitioner is to be in illegal



possession of illicit liquor, where, there was recovery of 225 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner took lift for local destination, where nothing surfaced during the course of investigation, which may suggest that he was under knowledge about illicit liquor and, as such, it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, 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 recovery of alleged illicit liquor not appears to be made from conscious physical possession of the petitioner coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Rajnagar P.S. Case No.255 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/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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