

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62367 of 2022

Arising Out of PS. Case No.-238 Year-2022 Thana- KHAJEKALA District- Patna

CHHOTAN PASWAN S/o Late Ramjee Paswan R/o Neem Ghat, Jhoparipatti,
P.S.- Khajekalan, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
through virtual Court proceedings.

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

The petitioner seeks bail in connection with
Khajekalan P.S. Case No. 238 of 2022 registered for the offence
under Sections 30(a), 37(b)(c) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.08.2022.



The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 21.4 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor is made from the open place like Ganga river diyara, which is accessible by general public and, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner 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 Khajekalan P.S. Case No. 238 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 Spl Judge Excise, Patna City/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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