

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62971 of 2022**

Arising Out of PS. Case No.-320 Year-2021 Thana- JAYNAGAR District- Madhubani

Pramod Chaudhary Son Of Ram Lochan Chaudhary R/O Village- Balua Tola,
Baldiha, P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Opposite Party/s : Ms.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 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 Jaynagar
P.S. Case No. 320 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.09.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 59.46 litres of Nepali Wine.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the house of this petitioner, which is jointly occupied and, as such, it can be safely gathered that alleged recovery was not made from the conscious physical possession of this petitioner. It is further submitted that compliance of Section 100(4) of the Cr.P.C. was not made in this case, as regard to, search of the house which is concerned. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is categorically submitted that investigation of this case 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 was made from the jointly occupied house 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 Jaynagar P.S. Case No. 320 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Addl. 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)

R.S.Sen/-

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