

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64058 of 2022**

Arising Out of PS. Case No.-168 Year-2022 Thana- PANDAUL District- Madhubani

Ugan Paswan @ Ugan Kumar Paswan S/O Shyam Paswan R/v- Pandaul
Budhan Jha Tola @ Budhan Jha Tola Pandaul, P.S.- Pandaul, District-
Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Prabhakar Thakur, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, 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 APP appearing on behalf of the State
through virtual Court proceedings.

The petitioner seeks bail in connection with Pandaul P.S.
Case No.168 of 2022 registered for the offence under Sections
272, 273, and 34 of the Indian Penal Code and Section 30(a),
36, 38 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.08.2022.

The allegation against the petitioner is to be involved
in illegal trading of illicit liquor, where, there was recovery of



781.2 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the '**bush**' developed in open area, accessible by general public and, as such, it can be safely gathered that recovery of alleged illicit liquor was not made from the conscious physical possession of this 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 Pandaul P.S. Case No.168 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 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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