

Arising Out of PS. Case No.-99 Year-2022 Thana- LAUKAHI District- Madhubani

... .. Petitioner/s

## The State of Bihar

... .. Opposite Party/s

For the Petitioner : Mr. Ratanakar Jha, Advocate  
For the State : Mr. Gauri Shankar Gupta, APP

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 Laukahi P.S. Case No.99 of 2022 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in custody since 30.08.2022.



The allegation against the petitioner is to be in possession of illicit liquor, where, there was recovery of 144 litres of illicit country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the hut, which is the property of joint family and accessible by all family members and, as such, it cannot be said that recovery was 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 the present case, while searching the house. While concluding the argument, it is submitted that 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 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 Laukahi P.S. Case No.99 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 Special Judge, Excise Act, Jhanjharpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

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