

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63656 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- BARH District- Patna

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Durga Paswan S/O Late Bhagwat Paswan R/O Village- Pachhiyari Malahi,
P.S- Barh, District- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Sameer, Advocate
For the Opposite Party/s : Mr. Pronoti Singh, APP

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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 Barh P.S.

Case No. 113 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 02.08.2022.

The allegation against the petitioner is to be engaged in

illegal trading/manufacturing of illicit liquor, where, there was

recovery of 270 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of alleged illicit liquor was made from '*Diyara*' area, which is an open place and accessible by general public and as such it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from an open place 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 Barh P.S. Case No. 113 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 Court of Special Judge, Excise, Barh, Patna/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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