

Arising Out of PS. Case No.-370 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner : Mr. Anant Kumar Mishra, Advocate
For the State : Mr. Md. Matloob Rab, 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 Excise P.S. Case No.370 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 04.10.2022.



The allegation against the petitioner is to be in possession of illicit liquor, where, there was recovery of 60.495 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the house of the petitioner, which is a jointly occupied by the family members and can be said that recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is also submitted that compliance of Section 100(4) of the Cr.P.C. was not made in the present case. 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 the 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 Excise P.S. Case No.370 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-II, Samastipur/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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