

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65076 of 2022

Arising Out of PS. Case No.-117 Year-2022 Thana- BACHHWARA District- Begusarai

Chhotua @ Manish Kumar @ Chhoto S/o Ganga Mahto @ Ganga Mahato
R/o Village- Bank Bazar, Bachhwara, ward no. 07, Narepur Chati, P.S.-
Bachhwara, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : 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 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 Bachhwara
P.S. Case No. 117 of 2022 registered for the offence under Sections
188, 120B of the I.P.C. and 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 06.09.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 445.32 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 maize field of one Jhunna Chaudhary, where admittedly, petitioner was not apprehended on spot, suggesting clearly 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 is 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 appears to be made from an open field 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 Bachhwara P.S. Case No. 117 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 Exclusive Excise Judge-I, Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

Archana/-

(Chandra Shekhar Jha, J)

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