

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65804 of 2022

Arising Out of PS. Case No.-578 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

Pappu Chaudhary Son of Gorakh Chaudhary @ Dharmendra Chaudhary R/v-
Fatehpur, P.S.- Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Advocate
For the State	:	Mr. Sanjay Kumar 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.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Makhadumpur (Tehta O.P.) P.S. Case No. 578 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 29.08.2022.

The allegation against the petitioner is to be involved in illegal trading of illicit liquor, where 45 liters of country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from roadside, which is an open place and, admittedly, recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of 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, who is a man of clean antecedent coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Makhadumpur (Tehta O.P.)
P.S. Case No. 578 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, Jehanabad/concerned Court, subject to the conditions
as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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