

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66439 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- SIMRI District- Buxar

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Pappu Paswan Son of Late Amawash Paswan Resident of Village- Balihar,
P.S.- Simari, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 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 Simari P.S.
Case No.304 of 2021 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 20.10.2022.

The allegation against the petitioner is to be in illegal
possession of illicit liquor, where, there was recovery of 80 litres
of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor was made from



an open place near brick kiln and, as such, it can be safely gathered that recovery not appears to be made from conscious physical possession of the petitioner. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by local chowkidars.

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 alleged illicit liquor not appears to be made from conscious physical possession of the petitioner, let above named petitioner directed to be released on bail in connection with Simari P.S. Case No.304 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 Exclusive Special Judge, Excise Court No.2, Buxar/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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