

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17735 of 2023

Arising Out of PS. Case No.-404 Year-2021 Thana- MAIRWAN District- Siwan

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Bhola God @ Bhola Kumar @ Bhola Kumar God S/O Late Sudama God @
Late Sudama Sah R/O Village- Guthani Mode, Langarpura, P.S- Mairwa,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Mairwa P.S. Case No. 404 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and
is in custody since 17.12.2022.

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 71.805 litres of IMFL/country made liquor
from alleged vehicle.

5. Learned counsel appearing on behalf of the
petitioner submitted that the name of this petitioner surfaced on
the basis of disclosure of co-accused Govinda Rajbhar and in
furtherance thereof no illicit liquor was recovered from the



conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged illicit liquor not appears to be recovered from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.12.2022, accordingly, above named petitioner is directed to be released on bail in connection with Mairwa P.S. Case No. 404 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Siwan/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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