

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36012 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- DARIYAPUR District- Saran

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1. PAPPU CHAUDHARY S/o- SATYA NARAYAN CHOUDHARY Vill- Dariyapur Bazar, Ps- dariyapur Dist- Saran
 2. Rahul Kumar @ Rahul choudhary son of Late Lalan Choudhary Vill- Dariyapur Bazar, Ps- Dariyapur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with
Dariyapur P.S. Case No.87 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. The accused/petitioners are named in the
F.I.R. and are in custody since 27.02.2023.

4. The allegation against the petitioners are to
be engaged in illegal trade of illicit liquor, where, there is
recovery of 100 litres of illicit liquor.

5. Learned counsel appearing on behalf of the



petitioners submitted that recovery of illicit liquor appears to be made from courtyard, which is an open place and accessible to family members/general public, as such, it can be said safely that recovery of illicit liquor was not made from conscious physical possession of these petitioners. While concluding the argument, it is submitted that petitioner No.1 found involved in 01 more criminal case, where, he is on bail and petitioner No.2 is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of fact as alleged recovery of illicit liquor not appears to be made from conscious physical possession of these petitioners coupled with the fact that charge-sheet has already submitted, where, both petitioners are in custody since 27.02.2023, let both petitioners, above named, are directed to be released on bail in connection with Dariyapur P.S. Case No.87 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional District
and Sessions Judge-2nd – cum- 1st Exclusive Special Judge,
Excise, Chapra, Saran/concerned court, subject to the condition
as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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