

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40220 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- PHULWARIA District- Begusarai

Ravi Ranjan Kumar @ Lal Mohan S/O Vinod Chaudhary @ Vinod Kumar
R/O Shokhara, PS. Phulwaria, Dist. Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Gautam, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh NO. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 18-07-2023 1. Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.
2. Let the defect(s), if any, be removed within a period of

four weeks from today.
3. The petitioner seeks bail in connection with Fulwaria

P.S. Case No. 63 of 2023 registered for the offence under Section

30(a) of the Bihar Prohibition and Excise Act.
4. The accused/petitioner is named in the F.I.R. and is in

custody since 28.04.2023.
5. The allegation against the petitioner is to be engaged in

illegal trading/manufacturing of illicit liquor, where, there is recovery

of 63.750 litres of IMFL/country made liquor from jointly occupied

house of petitioner.
6. Learned counsel appearing on behalf of the petitioner

submitted that alleged recovery of illicit liquor made from a jointly

occupied house and, as such, it can be said safely that recovery of



alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. It is further submitted that compliance of section 100(4) of the Cr.P.C. not appears to be followed in this case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent 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.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Fulwaria P.S. Case No. 63 of 2023 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 Special Excise Judge-1, Begusarai/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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