

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39719 of 2023

Arising Out of PS. Case No.-188 Year-2017 Thana- DORIGANJ District- Saran

Santosh Rai @ Santosh Ray S/O Late Chandeshwar Rai R/O Village- Balwan
Tola, Ps. Doriganj, Dist. Saran.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Doriganj
P.S. Case No. 188 of 2017, registered for the offence under
Sections 272, 273, 308/34 of the Indian Penal Code and Section
30, 38 of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.05.2023.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 1020 litres of Mahua liquor from the alleged Gumti.

Learned counsel appearing on behalf of the petitioner



submitted that alleged illicit liquor recovered from the bank of river Sone, which is an open place and accessible by general public. It is submitted that illicit liquor not appears to be recovered from the conscious physical possession of this petitioner. It is also submitted that petitioner not apprehended on the spot and he was named in this case only on the basis of suspicion by local chaukidar. It is submitted that the narration of the FIR is not suggesting any case under Section 308 of the Indian Penal Code. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as recovery of illicit liquor appears to be made from an open place and accessible by general public, where petitioner not apprehended on the spot, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Doriganj P.S. Case No. 188 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-Cum-Special Judge, Excise Court No. 1, Saran at Chapra/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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