

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40399 of 2023

Arising Out of PS. Case No.-344 Year-2023 Thana- BEUR District- Patna

Subhash Kumar Pathak @ Subhas Kumar Son Of Late Baidnath Pathak
Resident Of Village - Balia, Ps- Lakhnour, Distt- Madhubani At Present
Residing At Mahavir Colony Gali No. 3, Ps- Beur Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-07-2023 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 Beur P.S.
Case No. 344 of 2023 registered for the offence under Section 30(a)
and 37 of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is in
custody since 15.05.2023.

5. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 94 litres of IMFL/country made liquor from an open place.

6. Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor appears to be made



from an open place like local canal. 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.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from an open place coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Beur P.S. Case No. 344 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 Judge Excise, Patna City, Patna/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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