

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40067 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- JAYNAGAR District- Madhubani

Sanjay Chaudhary S/O Rajendra Chaudhary R/O Village- Balua Tol, P.S-
Jaynagar, Distt.- Madhubani.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, 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 G.R. No.
571/2023 arising out of Jaynagar P.S. Case No. 146 of 2023
registered for the offence under Sections 272, 273 and 414/34 of
the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.04.2023.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 135 litres of Nepali Saufi from the alleged Tempo.



Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor recovered from the Auto, which is a public carrier and accessible by general public. It is submitted that as alleged vehicle is a public carrier, it can be said safely that recovery as alleged not made from conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail, 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 alleged illicit liquor not appears to be recovered from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 12.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with G.R. No. 571/2023 arising out of Jaynagar P.S. Case No. 146 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-Cum-



Special Judge, Excise Act, Madhubani/concerned Court, subject
to the conditions as mentioned under Section 437(3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

