

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41386 of 2023

Arising Out of PS. Case No.-419 Year-2022 Thana- BHELDI District- Saran

Pathru Chaudhary S/O Late Dhanraj Chaudhary R/O Village- Ajayabganj, Ps.
Bhagwan Bazar, Dist. Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Bheldi
P.S. Case No. 419 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 16.12.2022.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 247.50 litres of IMFL/country made liquor from the
alleged three-wheeler tempo bearing registration no.
BR04PA0506.

5. Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery of illicit liquor was made from
three-wheeler tempo, which is a public carrier and, as such, it can



be said safely that recovery was not made from physical possession of this petitioner. 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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor appears to be made from a public carrier coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.12.2022, accordingly, above named petitioner is directed to be released on bail in connection with Bheldi P.S. Case No. 419 of 2022 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 Additional District and Sessions Judge-II-cum- 1st Exclusive Special Judge, Excise, 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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