

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44463 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- NADI P.S. District- Patna

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Arun Kumar @ Arun Rai S/O Munarik Roy R/O Mohalla- Garhochak,
Fatuaha, Ps. Fatuha, Dist. Patna

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 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 Nadi
P.S. Case No. 30 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 30.04.2023.

5. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 208.5 litres of IMFL/country made liquor from the
vehicle.

6. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was not apprehended on spot and
his name appears in this case on the basis of disclosure made by co-



accused Gautam Paswan, who apprehended with illicit liquor. It is submitted that the fact of this case suggests that recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that 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, and by taking note of the fact as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Nadi P.S. Case No. 30 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 Exclusive Special Judge, Excise Patna City/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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