

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40798 of 2023

Arising Out of PS. Case No.-168 Year-2023 Thana- BYPASS District- Patna

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Biru Gope Son of Nasib Gope Resident of Village-Bahari Dhawalpura
Mathpar, P.S Bypass, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 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 Bypass
P.S. Case No. 168 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 06.04.2023.

5. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 50 litres of IMFL/country made liquor from the bush of
open field.

6. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit liquor was made
from the bush developed around Bahari Dhawalpura Mathpar, which



is an open place accessible by general public and as such it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail 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.

8. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor appears to be made from an open place, accessible by general public coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Bypass P.S. Case No. 168 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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