

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44694 of 2023

Arising Out of PS. Case No.-407 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Santosh Chaudhary S/O Ramnath Chaudhary R/O Village- Bintoliya
Naviganj, P.S- Bhagwan Bazar, Distt.- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

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

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
Bhagwan Bazar P.S. Case No. 407 of 2022 registered for the
offence under Sections 30(a) of the Bihar Prohibition and Excise
Act, 2018.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 23.08.2022.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 210 litres of IMFL/country made liquor.

6. Learned counsel appearing on behalf of the



petitioner submitted that alleged recovery of illicit liquor appears to be made near to a well, which is an open place, accessible by general public and, as such, it can be safely gathered that alleged recovery of illicit liquor not appears to be made from physical possession of this petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses, rather by Bihar Homeguard personnels. 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.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as recovery of alleged illicit liquor appears to be made from open place coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.08.2022, accordingly, above named petitioner is directed to be released on bail in connection with Bhagwan Bazar P.S. Case No. 407 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 1st Exclusive Special Judge 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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