

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42137 of 2023

Arising Out of PS. Case No.-344 Year-2023 Thana- BEUR District- Patna

Mahendra Chauhan Son of Late Basu Chauhan @ Late Basu Chaudhary R/O-
Makhadumpur Ps- Beur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-07-2023 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
Special Case No. 4236/2023 arising out of Beur P.S. Case No.
344 of 2023 registered for the offence under Section 30(a)/37 of
the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 15.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 94 litres of IMFL/country made liquor from
pan (local canal).

6. Learned counsel appearing on behalf of the



petitioner submitted that the alleged recovery of illicit liquor was made from open area like pan (local canal), which is 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 is a man of clean antecedent.

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 alleged recovery of illicit liquor was made from an open area, where petitioner is in custody since 15.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Special Case No. 4236/2023 arising out of Beur P.S. Case No. 344 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/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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