

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42598 of 2023

Arising Out of PS. Case No.-381 Year-2023 Thana- ARA NAGAR District- Bhojpur

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DIPAK KUMAR son of Om Prakash Sah Village- Begumpur Ps- Ara Town
Bhojpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Opposite Party/s : Ms.Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 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 Ara
Town P.S. Case No. 381 of 2023 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 14.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 90 litres of illicit liquor from the planted
fodder.

6. Learned counsel appearing on behalf of the



petitioner submitted that the alleged recovery of illicit was made from an open field i.e. Fodder Plant at Bhaluhipur, Panda Toli, 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. It is submitted that place in issue is a public place and not connected in any manner with petitioner, who is a man of clean antecedent.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, where petitioner is in custody since 14.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Ara Town P.S. Case No. 381 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court 1st, Bhojpur, Ara/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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