

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43358 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- DARIYAPUR District- Saran

Ritik Kumar Roshan S/O Shree Bhagwan Manjhi @ Shree Bhagvan Manjzi
R/O Village- Yadopur, P.S- Dariyapur, Distt.- Saran(Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Dariyapur
P.S. Case No. 255 of 2023 registered for the offence under Sections
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 16.05.2023.

4. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 25 litres of IMFL/country made liquor from an open place.

5. Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor appears to be made
from “*Palani*” which is an open place, and not connected in any
manner with this petitioner and, as such, it can be safely gathered that
recovery of alleged illicit liquor was not made from conscious



physical possession of this petitioner. 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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner, rather from an open place coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Dariyapur P.S. Case No. 255 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 Additional District and Sessions Judge-2-cum-1st Exclusive Special Judge, Excise, 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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