

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44480 of 2023

Arising Out of PS. Case No.-220 Year-2021 Thana- BUDDHACOLONY District- Patna

Ajay Dhangar son of Vilash Dhangar Village- China Kothi Harijan Colony
Ps- Buddha Colony Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, 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 Special
Case No. 4138/2021 arising out of Buddha Colony P.S. Case No.
220 of 2021 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 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 60 litres of IMFL/country made liquor from the house.

6. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit liquor appears to
be made from jointly occupied house and as such, it can be safely



said that recovery of alleged illicit liquor was not made from conscious physical possession of this petitioner. It is further submitted that compliance of Section 100(4) of Cr.P.C. not appears to be followed, regarding search of premises in present case. While concluding the argument, it has been submitted that 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 recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, 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. 4138/2021 arising out of Buddha Colony P.S. Case No. 220 of 2021 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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