

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43994 of 2023

Arising Out of PS. Case No.-183 Year-2021 Thana- MAGADH UNIVERSITY District- Gaya

PAPPU KUMAR son of Budhan Yadav village- Itwan Ps- Dhangai Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Magadh University P.S. Case No.183 of 2021 registered for the
offence under Section 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 06.06.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 48 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit liquor was
made from Auto, which is a public carrier and accessible to



general public. It is further pointed out by learned counsel that petitioner remanded in this case from Magadh University P.S. Case No.362 of 2022 and as such, it can be safely said that alleged recovery of illicit liquor was not made from conscious physical possession of this petitioner.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, who is in custody since 06.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Magadh University P.S. Case No.183 of 2021, 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 No.1, Gaya/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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