

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47386 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- BIHIA District- Bhojpur

JITENDRA KUMAR @ JITENDRA KUMAR BAITHA Son of Late Chathu Prasad @ Late Chathu Baitha @ Chhattu Baitha Resident of village - Harnahi, P.S. - Jagdishpur, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 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 Bihiya (Bahoranpur O.P.) P.S. Case No. 143 of 2023 registered for the offence under Section 30(a) of the Bihar Excise and Prohibition Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 11.06.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 50 litres of foreign 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 near to local school, which is an open place and accessible by



general public and, as such, it can be said safely that recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent. 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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Bihiya (Bahoranpur O.P.) P.S. Case No. 143 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 Exclusive Special Excise Court-1, Bhojpur at 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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