

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45401 of 2023

Arising Out of PS. Case No.-156 Year-2023 Thana- GUTHANI District- Siwan

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RAMESH SAH Son of Late Bhola Sah Resident of village - Pipra Kothi,
Chand Saraiya, P.s. - Pipra Kothi, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023 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 Guthani
P.S. Case No. 156 of 2023 registered for the offence under Section
30(a) of the Bihar Prohibition of Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 05.06.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 155.520 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner
submitted that recovery of illicit liquor was made from the car. It is
submitted that petitioner is neither the owner nor connected in any
manner with the alleged car and as such it can be safely said that
recovery of illicit liquor was not made from the conscious physical



possession of the petitioner. While concluding the argument, it is 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 appearing on behalf of State, 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 the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Guthani P.S. Case No. 156 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 No.1, Siwan/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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