

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45756 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- CHAORI District- Bhojpur

RAJESH KUMAR S/O BHANU SINGH R/O Village- Dihra, P.S- Azimabad,
Distt.- Bhojpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-08-2023 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 Chauri
P.S. Case No. 53 of 2023 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 16.06.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 56 litres of IMFL/country made mahua
liquor from the motorcycle.

6. Learned counsel appearing on behalf of the
petitioner submitted that the alleged recovered motorcycle not



appears to be connected in any manner with this petitioner and he was not apprehended on the spot, and as such, it can be safely said that recovery of alleged illicit liquor not appears to be made from his conscious physical possession. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by local Chaukidar and moreover, petitioner is a man of clean antecedent.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, where petitioner is in custody since 16.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Chauri P.S. Case No. 53 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Excise Court, 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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