

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46089 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- SALIMPUR District- Patna

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Ram Janam Rai Son of Sri Asarfi Rai Resident of village - Gyaspur, P.S. -
Salimpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-08-2023 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

Salimpur P.S. Case No. 147 of 2023 registered for the offence

under Section 30(a) of the Bihar Prohibition and Excise Act.

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

is in custody since 25.06.2023.

4. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor, where,

there is recovery of 482.26 litres of IMFL/country made liquor

from the alleged vehicle.

5. Learned counsel appearing on behalf of the

petitioner submitted that as alleged vehicle carrying illicit liquor

was parked in front of the house of this petitioner, on the basis



of suspicion he was arrested in this case and as such it cannot be said that alleged illicit liquor was recovered from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent.

6. Learned APP 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 conscious physical possession of this petitioner, who is a man of clean antecedent and is in custody since 25.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Salimpur P.S. Case No. 147 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 Judge Excise, Barh, District-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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