

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49368 of 2023**

Arising Out of PS. Case No.-417 Year-2023 Thana- KAHALGAON District- Bhagalpur

=====

RAGHUBANSH MANDAL SON OF MAHESWAR MANDAL RESIDENT
OF VILLAGE- PAKKISARAI, P.S.- GHOGHA, DISTT.- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Kahalgaon (Rasalpur) P.S. Case No.417 of 2023 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 09.04.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 35 litres of illicit liquor.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is not registered owner of the alleged motorcycle, from where, recovery of illicit liquor was made, as such, it cannot be said that alleged recovery was made from conscious physical possession of this petitioner. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is a man of clean antecedent and in custody since 09.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Kahalgaon (Rasalpur) P.S. Case No.417 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 Exclusive Special Excise Judge-I,
Bhagalpur/concerned court, subject to the condition as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

