

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48038 of 2023

Arising Out of PS. Case No.-89 Year-2020 Thana- DHANARUA District- Patna

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Kameshwar Prasad Son Of Late Kheshari Das @ Chamri Das Resident Of
Village-Nawasichak, Makdumpur, P.S.-Dhanarua, District-Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Atul Shankar, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 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 Special
Case No. 2487 of 2020 arising out of Dhanarua P.S. Case No. 89
of 2020 registered for the offence under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 15.06.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 974.475 litres of IMFL/country made liquor
from the place of occurrence.



6. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery appears to be made from the house which is not connected in any manner with this petitioner and in support of his submission learned counsel further pointed out Aadhar Card of petitioner showing resident of different village. It is further submitted that the compliance of Section 100(4) of Cr.P.C. not appears to be followed in present case regarding search of premises. It is further submitted that alleged house not belongs to this petitioner, and as such, it can be safely said that recovery of alleged illicit liquor not appears to be made from his conscious physical possession, who 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 made from a house which not appears to be connected with this petitioner, where petitioner is in custody since 15.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Special Case No. 2487 of 2020 arising out of Dhanarua P.S. Case No. 89 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge



(Excise), 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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