

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48463 of 2023**

Arising Out of PS. Case No.-444 Year-2022 Thana- JAYNAGAR District- Madhubani

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REETA DEVI WIFE OF SURESH MUKHIYA RESIDENT OF VILLAGE -  
JAYNAGAR (BAZAR SAMITI), POLICE STATION - JAYNAGAR,  
DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Binod Kumar, 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. The petitioner seeks bail in connection with Jaynagar  
P.S. Case No. 444 of 2022 registered for the offence under  
Sections 272, 273 and 34 of the Indian Penal Code and Section  
30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is not named in the F.I.R. and  
is in custody since 16.06.2023.

4. The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 110.25 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 house of this petitioner occupied by other family members and as such it can be safely said that illicit liquor not appears to be recovered from the conscious physical possession of this petitioner. It is submitted that compliance of Section 100(4) of the Cr.P.C. regarding search of premises not appears to be followed in the present case. While concluding the argument, it is submitted that petitioner found involved in one more case, where he is on bail 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 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 16.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Jaynagar P.S. Case No. 444 of 2022 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 2<sup>nd</sup>  
Additional Sessions Judge-cum-Special Judge, Excise Act,  
Madhubani/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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