

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49826 of 2023**

Arising Out of PS. Case No.-181 Year-2023 Thana- DORIGANJ District- Saran

Jugnu Miyan Son Of Rustam Ali @ Rustom Miyan Resident Of Village-
Khawashpur, Ps -DORIGANJ, District -SARAN

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 11-08-2023 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
Doriganj P.S. Case No. 181 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 01.06.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 120 litres of IMFL/country made liquor
from the alleged vehicle.



6. Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor appears to be recovered from the front of the house of this petitioner, which is an open place and accessible by general public and it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner is a man of clan antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor appears to be made from an open place, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Doriganj P.S. Case No. 181 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 Additional Sessions Judge-II-cum-1st
Exclusive Special Excise Judge, Saran at Chapra/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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