

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41071 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- KHIRHAR District- Madhubani

Kishun Das @ Kishan Das @ Kishun S/o Late Sonfi Das R/o vill - Khirhar,
P.S. - Khirhar, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash
Mr. Gagan Deo Yadav
Mr. Vinod Kumar
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Khirhar P.S. Case No. 25 of 2024 registered for the

offence under Sections 272, 273 of the I.P.C. and under

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

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

in custody since 18.03.2024.

4. The allegation against the petitioner is to be

engaged in illegal trading of illicit liquor, where, there is

recovery of 59.400 liters of country made liquor.



5. Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor as per seizure list appears to be made from bush found behind the house of the petitioner, which is an open field accessible by general public, and as such nothing was recovered from the conscious physical possession of the petitioner. It is further submitted that the petitioner was found involved in one more criminal case in which he is on bail. While concluding the argument it is submitted that, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. In view of the aforesaid facts and circumstances, as recovery of illicit liquor *prima-facie*, not appears to be made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted where petitioner is in custody since 18.03.2024, let the



petitioner, above named, is directed to be released on bail in connection with Khirhar P.S. Case No. 25 of 2024 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 District and Sessions Judge-IInd-cum- Special Judge, Excise Act, Madhubani, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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