

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41005 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- Sheikhopur Sarai District- Sheikhpura

Sanjay Choudhary S/o Suresh Chaudhary R/o Village-Panchi, P.S.-
Shekhopur Sarai, District-Sheikhpura.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 12-06-2024 1. Heard learned counsel appearing on behalf of
- the petitioner and learned APP appearing on behalf of
- the State.
2. The petitioner seeks bail in connection with
- Shekhopur Sarai P.S. Case No. 45 of 2024 registered
- for the offences under Sections 272, 273, 34 of Indian
- Penal Code and sections 30(a), 30(c) of the Bihar
- Prohibition & Excise (Amendment) Act, 2022.
3. The petitioner is named in the F.I.R and is in
- custody since 30.03.2024.
4. The allegation against the petitioner is to
- have in possession of 40 litres of illicit country made



liquor and also alleged to be involved in illegal trade arises out of said illicit liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner falsely implicated with the present case. It is pointed out that the alleged illicit liquor appears to be recovered from the house of the petitioner, which is occupied by different family members and, as such, it can be said safely that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is further submitted that compliance of section 100(4) of Cr.P.C not appears to be followed in present case. While concluding argument, it is submitted that petitioner found involved in three more criminal cases, where he is on bail, 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.

6. Learned APP opposes the prayer of bail.



7. In view of the aforesaid factual submissions, as recovery of alleged illicit liquor appears *prima facie* doubtful from the conscious physical possessions of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.03.2024, accordingly, petitioner above named is directed to be released on bail in connection with Sheikhopur Sarai P.S. Case No. 45 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 the learned Special Excise Judge, Sheikhpura, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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