

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41131 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- TURKAULIYA District- East
Champaran

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Arun Kumar Son of Mukhtar Pandit Resident of Village - Kawalpur, P.S. -
Turkaulia, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 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

Turkauliya (Raghunathpur) P.S. Case No. 143 of 2024

registered for the offences under Sections 272 and 273

of the Indian Penal Code and Sections 30 (a) and 41 (1)

of the Bihar Prohibition and Excise (Amendment) Act

2022.

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

in custody since 27.02.2024.



4. The allegation against the petitioner is to be engage in illegal trading/manufacturing of illicit liquor, where, there is recovery of 26 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery appears to be made from an open road as per seizure and as such, it can be said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument it is submitted that investigation 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 the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as recovery of illicit liquor, *prima facie*, not appears to be made from the conscious physical



possession of this petitioner, coupled with the fact as petitioner is in custody since 27.02.2024, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Turkauliya (Raghunathpur) P.S. Case No. 143 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 Exclusive Special Excise Court No. 1, Civil Court, East Champaran, Motihari/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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