

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40490 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- MADHWAPUR District- Madhubani

Kamlesh Sah Son of Late Ram Prasad Sah R/O Vill.- Pirokhar Kayasth Tola,
Ward No.07, P.S.- Madhwapur, Dist.- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-06-2024 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

Madhwapur P.S. Case No. 33 of 2024 registered for the

offence under Sections 272, 273, 34 of the I.P.C and

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 20.03.2024.

4. The allegation against the petitioner is to be

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

recovery of 123.30 liters of country made liquor.



5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor is made from the open field, and not from the conscious physical possession of the petitioner. It is submitted that as the petitioner was found involved in similar nature of cases so his name was involved in present case on the basis of inputs given by local chawkidar. While concluding the argument, it has been submitted that investigation is complete, where charge-sheet has been submitted, as such, there is not chance of tempering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, and by taking note of the fact as the alleged recovery of illicit liquor appears to be made from the open place which is accessible by general public coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.03.2024, let the petitioner, above named, is directed



to be released on bail in connection with Madhwapur P.S.
Case No. 33 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 Sessions Judge-II-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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