

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41147 of 2024

Arising Out of PS. Case No.-137 Year-2024 Thana- ATHMALGOLA District- Patna

Rohit Kumar, Son of Navlesh Yadav, resident of Village-Rani Saray, P.S.-
Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Athmalgola P.S. Case No.137 of 2024 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. The accused/petitioner is named in the FIR and
is in custody since 28.04.2024.

4. Allegation against the petitioner is to have in
possession of 79 liters of country-made illicit liquor and also
alleged to be involved in illegal trade arises thereof.

5. It is submitted by learned counsel for the
petitioner that the motorcycle in issue from where alleged



illicit liquor appears to be recovered is not connected in any manner with the petitioner and, as such, it cannot be said that alleged illicit liquor was recovered from conscious physical possession of this petitioner, who is otherwise a man of clean antecedent. It is submitted that the seizure list also appears doubtful in view of the fact that same is not supported by independent witness rather by local *chowkidar* who are interested witness.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions, as recovery of illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent, where petitioner is in custody since 28.04.2024, accordingly, the petitioner, above-named, is directed to be released on bail 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 Judge, Excise, Barh, Patna in connection with Athmalgola P.S. Case No.137 of 2024 subject to the conditions as laid



down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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