

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41167 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- CHANAN District- Lakhisarai

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Mohan Kumar S/o Bineshwar Bind @ Vindeshwari Vind R/o Village
Dhanwah Beldariya, P.S. Bannubagicha, Distt-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Narsingh Tanti, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Chanan P.S. Case No.38 of 2024 registered for the
offences punishable under Sections 30(a), 32, 41 of the
Bihar Prohibition and Excise Act and Section 414 of Indian
Penal Code.

3. The accused/petitioner named in the FIR and is
in custody since 14.04.2024.

4. Allegation against the petitioner is to have in
possession of 100 liters of country-made illicit liquor and
also one stolen motorcycle. The petitioner further alleged to
be involved in trade of illicit liquor.



5. It is submitted by learned counsel for the petitioner that alleged country-made illicit liquor and motorcycle appears to be recovered from the courtyard of the petitioner which is shared by other family members also and accessible by general public and as such it cannot be said safely that recovery as shown against petitioner is from his conscious physical possession. It is submitted that the seizure list also appears doubtful being not supported by independent witness despite of availability. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

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

7. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit country-made liquor and motorcycle *prima facie* not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent, coupled with the fact that charge-



sheet has already submitted, where petitioner is in custody since 14.04.2024, 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 ADJ-IV-cum-Special Excise Court-1, Lakhisarai in connection with Chanan P.S. Case No.38 of 2024 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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