

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52903 of 2024

Arising Out of PS. Case No.-280 Year-2024 Thana- Excise P.S. District- Aurangabad

Subodh Kumar, son of Devsharan Paswan Resident of Village- Chapri P.S.-
Obra Dist-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Singh, Advocate

For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 30-08-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned Additional Public Prosecutor
- appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R.
- and apprehending his arrest in connection with
- Daudnagar Excise P.S. Case No. 280 of 2024, registered
- for the offences punishable under Section 30(a) of Bihar
- Excise and Prohibition Amendment Act.
3. The allegation against the petitioner is to be
- engaged in illegal trading/manufacturing of illicit liquor,
- where, there is recovery 13.800 litres of IMFL/country
- made liquor from the place of occurrence.



4. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the open place, which is accessible by general public and therefore, it can be said safely that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. It is further submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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-2, Aurangabad/concerned Court, where the case is pending in connection with Daudnagar Excise P.S. Case No. 280 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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