

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53345 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Bihari Singh @ Saurabh Kumar @ Saurav Kumar, S/o Sanjeev Singh @
Sanjeev Kumar, R/o Village-Brindawan (Vrindawan), P.S.-Naokothi
(Nowkothi), District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 228-08-2024
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 Naokothi (Nowkothi) P.S. Case No. 110 of 2024, registered for the offences punishable under Section 61 of Bhartiya Nyaya Sanhita 2023 and also under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.
3.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor,



where, there is recovery of 302.91 litres of IMFL/foreign liquor from the alleged Orchard.

4. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner appears in present case out of disclosure made by co-accused Raja Kumar. It is also submitted that recovery appears to be made from an open place which is accessible by general public and therefore, admittedly no illicit liquor appears to be recovered from the conscious physical possession of this petitioner, who is otherwise a man of clean antecedent. It is also pointed out that seizure list appears doubtful being supported by departmental witnesses only.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances, as *prima facie* there is no recovery of illicit liquor from the physical possession of this petitioner, 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 Exclusive Special Judge-i, Begusarai/concerned Court, where the case is pending in connection with Naokothi (Nowkothi) P.S. Case No. 110 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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