

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33340 of 2025

Arising Out of PS. Case No.-305 Year-2018 Thana- JAYNAGAR District- Madhubani

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Santosh Kumar Das S/o Bisheshwar Das R/o Vill.- Dullipatti, P.S. - Jaynagar,
District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025 Heard the parties

2. The petitioner is not named in the F.I.R. and apprehending his arrest in connection with Jaynagar P.S. Case No. 305 of 2018 registered for the offences punishable under Section 272, 273/34 of IPC and Section 30(a) of the Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 90 liters of country made liquor.

4. It is submitted by learned counsel appearing on behalf of the petitioner that alleged recovery of illicit liquor was made from an open place i.e., near Shila Nath Temple and on the basis of confessional statement of co-accused namely Amit Kumar name of petitioner transpired in present case. It is also submitted that in furtherance of said confessional statement no incriminating materials appears to be recovered from the physical possession of this petitioner, who found involved in two



more criminal cases of different nature, where he is on bail. While concluding the argument, it is submitted that recovery of illicit liquor not appears to be made from the physical possession of this petitioner.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as, recovery of illicit liquor *prima-facie* not appears to be made from the conscious physical possession of this petitioner, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Principal Dist. And Addl. Sessions Judge II cum Special Judge, Excise Act, Madhubani / concerned Court, where the case is pending in connection with Jaynagar P.S. Case No. 305 of 2018, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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