

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16578 of 2022**

Arising Out of PS. Case No.-727 Year-2021 Thana- NATHNAGAR District- Bhagalpur

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AJEET SINGH Son of Sri Jagdish Singh Resident of Village - Maniyarpur,
P.S.- Nathnagar (Madhusudanpur), District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek

For the Opposite Party/s : Mr.Sangeeta Sharma

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 17-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Nathnagar (Madhusudanpur) P.S. Case No. 727 of 2021
registered for the offence under Section 30(a)/30(d) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.01.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 15
litres of illicit country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that recovery has been made from the roof of jointly occupied house, which may be accessible by family members/ general public, as such, it cannot be said that the alleged recovery of illicit liquor was made from the conscious physical possession of the petitioner. It is also submitted that seizure list is not supported by independent witnesses, which appears to be in violation of Section 100 (4) of the Cr.P.C. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was made from open place like roof of the house of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery has been made from open place in the background of disputed seizure list coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 727 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Excise Court No. 2, Bhagalpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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