

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17173 of 2022

Arising Out of PS. Case No.-368 Year-2021 Thana- NAUTAN District- West Champaran

Beyas Singh Son of Ramekbal Singh R/O Village- Bagha Chaur, P.S.- Tareya
Sujaan, District- West Kushinagar, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 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 Nautan
P.S. Case No. 368 of 2021 registered for the offence under
Section 414 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.09.2021.

The allegation against the petitioner is to have in
possession of 50.400 liters of foreign liquor, which was
recovered from a motorcycle.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged motorcycle, from which the alleged



illicit liquor was recovered, is in no way connected with the petitioner. It is submitted that compliance of Section 100 of Cr.P.C. has not been made as it appears that seizure list does not bear the signature of the petitioner, who was claim to be arrested on the spot. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded the fact that seizure list does not bear the signature of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nautan P.S. Case No. 368 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 Special Judge, Excise, Bettiah, West Champaran, subject to the following conditions:

“(i) That accused/petitioner shall
not involve in the similar nature of offence



till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Ekabal, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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