

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17742 of 2022**

Arising Out of PS. Case No.-272 Year-2021 Thana- AWTARNAGAR District- Saran

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DILIP KUMAR SON OF SHIV PRASAN RAI R/O VILLAGE- BALUA,
P.S.- DORIGANJ, DISTRICT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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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 Awatar
Nagar P.S. Case No. 272 of 2021 registered for the offence
under Sections 30 and 30(a) of the Bihar Prohibition and Excise
Act 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.10.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 140
litres of illicit country made Mahuwa liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery is not made from the conscious physical possession of the petitioner and in view the disputed seizure list, as the same is not bearing signature of the petitioner, particularly in the circumstances, when it is claimed to be arrested at spot. It has further been submitted that the petitioner is a man of clean antecedent, moreover, investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that seizure list is not bearing signature of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner in the background of disputed seizure list coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Awatar Nagar P.S. Case No. 272 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 1st Exclusive Special Judge, Excise, Saran at Chapra, subject to the following



conditions:

“(i) 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.

(ii) That one of the bailors shall be Amarjeet Ray, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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