

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27773 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- DESARI District- Vaishali

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SAURABH KUMAR Son of Pramod Mahto @ Pramod Kumar Resident of
Village - Bhikanpura, P.s.- Desari (Chandpura O.P.), Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Desari
(Chandpura O.P.) P.S. Case No. 55 of 2022 registered for the
offence under Section 414 and 34 of the Indian Penal Code and
Section 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 07.02.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 17.250 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that seizure list is disputed as the same is not bearing the signature by the petitioner in the background of allegations that he was apprehended on the spot. It is submitted that the seizure list is not supported by the independent witnesses and it appears that in violation of Section 100(4) of the Cr.P.C. It is also submitted that petitioner is a man of clean antecedent, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that seizure list is disputed as same is not supported by independent witnesses and also not signed by the petitioner.

Considering the facts and circumstances as mentioned above, as seizure list is disputed, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Desari (Chandpura O.P.) P.S. Case No. 55 of 2022 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 Special Excise Court No. 1-cum-Additional Sessions Judge, Vaishali At Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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