

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27587 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- KINJAR District- Jehanabad

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MEENA DEVI @ SHEELA DEVI Wife of Santosh Manjhi Resident of
Village - Helalpur, P.S.- Kinjer, District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, 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 Kinjer
P.S. Case No. 17 of 2022 registered for the offence under
Section 30(a)(b)(c) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 01 litres of semi prepared country made liquor from



the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the house of the petitioner, which was jointly occupied by several persons, and as such it cannot be said to be recovered from the conscious physical possession of the petitioner. It is also submitted that seizure list is not supported by independent witnesses and it appears that same is in violation of Section 100(4) of the Cr.P.C. While concluding the argument, it has been submitted that 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 recovery of illicit liquor is made from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor was not made from the conscious physical possession of the petitioner 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 Kinjer P.S. Case No. 17 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
Special Excise Court No.2, Jehanabad/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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