

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27806 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- JAYNAGAR District- Madhubani

RAHUL SADAY S/O DILIP SADAY @ DILIP DHANGAR R/o village-
Baluwa Tola Baldeha, P.S.- Jaynagar, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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 Jaynagar

P.S. Case No. 74 of 2022 registered for the offence under

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 13.03.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 819 litres of Nepali country made liquor from the motorcycles.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is no way connect with alleged motorcycle from where illicit liquor was recovered. It is 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.. 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 not supported by independent witnesses.

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, who 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 Jaynagar P.S. Case No. 74 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 Additional Session Judge,-II-
cum-Special Judge, Excise Act, Madhubani/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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