

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28668 of 2022

Arising Out of PS. Case No.-443 Year-2020 Thana- RAJAOLI District- Nawada

Sunil Rajvanshi Son of Rohan Rajvanshi Resident of Village - Kharaundh,
P.s.- Sirdala, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-08-2022 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 Rajauli
P.S. Case No. 443 of 2020 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.07.2021.

The allegation against the petitioner is to have in
possession of 60 liters of country made liquor, which was
recovered from Four different P.O. bank of river of
Kumbhiyatari village.



Learned counsel appearing on behalf of the petitioner submitted that the recovery of illicit liquor and utensils etc were recovered from open places like forest/bank of river/field and as such it cannot be said to be recovered from physical possession of the petitioners, where the name of the petitioner surfaced on the basis of the input provided by local villager/ chawkidar. It is also submitted that the seizure list is disputed as some is not supported by independent witness, which appears in violation of Section 100(4) of the Cr.P.C. It is further submitted that investigation in this case is completed for which charge-sheet 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 that recovery of illicit liquor was made from open places, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor along with utensils etc were made from open places coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajauli P.S. Case No. 443 of 2020 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 Judge-II, Nawada/concerned Court, subject to the following conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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