

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29310 of 2022

Arising Out of PS. Case No.-321 Year-2021 Thana- MANIYARI District- Muzaffarpur

Sanjeet Ray @ Sanjeev Ray Son Of Ram Deni Ray R/O Village- Chakmehsi,
P.S.- Maniyari, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Nirmala Kumari, 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 Maniyari
P.S. Case No. 321 of 2021 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 02.02.2022.

The allegation against the petitioner is to have in
possession of 394.380 liters of country made liquor, which was
recovered from a tempo.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the basis of



identification revealed by local chawkidar and admittedly there is no recovery of illicit liquor from the conscious possession of the petitioner. It is 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 this is not a case of recovery of illicit liquor from the physical possession of the petitioner as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner 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 Maniyari P.S. Case No. 321 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 Special Judge, Excise, Court no. II, Muzaffarpur City/concerned Court, subject to the following conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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