

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.31611 of 2022**

Arising Out of PS. Case No.-31 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Madhepura

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CHANDRA KISHOR SOREN S/o Laxman Soren Resident of Village-  
Kusthan Koti @ Kothi, Santhali Tola, Ward No. 8, P.S.- Bihariganj, District-  
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

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

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

2      11-08-2022                      Heard learned counsel appearing on behalf of the petitioner  
and learned APP 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 Madhepura P.S.  
Case No. 31 of 2022 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 11.03.2022.

The allegation against the petitioner is to be engaged in illegal  
trading/manufacturing of illicit liquor, where, there was total recovery of  
70 litres of illicit country made chulayi liquor and 1200 litres fermented  
jawa.

Learned counsel appearing on behalf of the petitioner  
submitted that recovery of illicit liquor was made from back side of house



of the petitioner as such it cannot be said to be recovered from the conscious physical possession of the petitioner. It has been submitted that petitioner was not apprehended on the spot. It is further submitted that seizure list does not bears the signature of the petitioner which appears to be in violation of Section 100(4) of the Cr.P.C. While concluding the argument, it has been submitted that investigation is complete, for which, charge-sheet has already been submitted, as such there is chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery has not been made 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 Madhepura P.S. Case No. 31 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-IV Madhepura, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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Minu/-

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