

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.30772 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- AGIAON BAZAR District- Bhojpur

Subhash Kumar S/o Bharat Gond R/o village- Nayak Tola, Jungal Mahal,
P.S.- Piro, District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, 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
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 Agiaon
Bazar P.S. Case No. 17 of 2022 registered for the offence under
Sections 25(1-b)a, 26, 35 of the Arms Act and 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 04.02.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of one country made fire arm and illicit liquor of 12.3 litres of IMFL/country made liquor from the motorcycle bearing registration no.-03AC8555.

Learned counsel appearing on behalf of the petitioner submitted that seizure list is disputed, as same is not supported by independent witnesses and it appears in violation of Section 100(4) of Cr.P.C. It is also submitted that the petitioner is a man of clean antecedent and 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 seizure list is disputed, where, petitioner 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 Agiaon Bazar 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.-1, Bhojpur,



Ara/concerned court, subject to the conditions as mentioned
under 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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