

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30608 of 2022**

Arising Out of PS. Case No.-105 Year-2022 Thana- SIDHWALIYA District- Gopalganj

Gayatri Devi W/o Chhathu Mahto Resident of Village - Buchiya Mathiya,
Ward No.09, P.s.- Sidhwalia, Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, 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 Sidhwalia
P.S. Case No. 105 of 2022 registered for the offence under
Sections 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 08.04.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 0.540
litres of IMFL/country made liquor from bush near the house of
the petitioner.



Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor was made from near the house of the petitioner, which is an open place and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is also submitted that the seizure list is not supported by independent witnesses which appears to be in violation of Section 100(4) of Cr.P.C. While concluding the argument, it has been submitted that 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 recovery of illicit liquor was made from open places, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery was not made from the conscious physical possession of the petitioner 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 Sidhwalia P.S. Case No. 105 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 District and



Sessions Judge-II, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

