

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30573 of 2022**

Arising Out of PS. Case No.-207 Year-2019 Thana- KHARIK District- Bhagalpur

=====

Gourav Kumar @ Sandeep Kumar @ Banti @ Gaurav @ Danty Chourasia
Son of Praveen Chourasia Resident of Village- Bichla Tola, Maheshkhunt,
P.S- Maheshkhunt , Dist- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, 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 Kharik
P.S. Case No. 207 of 2019 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 16.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 171 litres of IMFL/country made liquor from the



dicky of the Car bearing registration no. WB-24K-2022.

Learned counsel appearing on behalf of the petitioner submitted that alleged vehicle was jointly occupied at the time of recovery and moreover, the petitioner was not apprehended at the spot, which is evident from the fact that the seizure list is not bearing the signature of petitioner. It is also submitted that seizure list is not supported by independent witnesses, which appears to be in violation of Section 100(4) of the Cr.P.C. It is submitted that admittedly, this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. 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 illicit liquor was not recovered from physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as illicit liquor was not recovered 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



Kharik P.S. Case No. 207 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court of Special Judge Excise-1, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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

