

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31615 of 2022

Arising Out of PS. Case No.-215 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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BINOD RAI Son of Rambidya Rai @ Ramvidya Ray Resident of Village -
Badharwa Khurd, P.S.- Dumariyaghat, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, 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 Dumariyaghat
P.S. Case No. 215 of 2021 registered for the offence under Sections
30(a), 32, 41 of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.01.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was total
recovery of 468.24 litres of illicit country made foreign liquor.

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



field as such it cannot be said to be recovered from the conscious physical possession of the petitioner. It is 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. While concluding the argument, it has been submitted that investigation is complete, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes 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 in this case, let the petitioner, above named, is directed to be released on bail in connection with Dumariyaghat P.S. Case No. 215 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, Exclusive Special Excise Court No. 2, Motihari, East Champaran, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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