

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30563 of 2022**

Arising Out of PS. Case No.-299 Year-2020 Thana- RAJAOLI District- Nawada

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Sunil Rajvanshi Son of Rohan Rajvanshi R/O- Vill- Kharaundh, P.S.- Sirdala,
Dist.- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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**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 Rajauli
P.S. Case No. 299 of 2020 registered for the offence under
Sections 30(a) and 41 of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 1000 litres of fermented Mahua and 10 litres of country made mahua liquor from open area.

Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit country made liquor was made from the open area like forest and bank of river and, as such, it cannot be said to be recovered from 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 area.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from open area 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 Rajauli P.S. Case No. 299 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Nawada/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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