

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31006 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- DESARI District- Vaishali

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Santosh Kumar Son of Ramswarup Singh R/O- Village- Bikharanpur P.S.-
Deshri Distt.- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, 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 Desri
(Chandpur O.P) P.S. Case No. 55 of 2022 registered for the
offence under Sections 30(a) of the Bihar Prohibition and Excise
Act, 2018 and 414/34 of I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 17.25 litres of IMFL/country made liquor from the



motorcycle.

Learned counsel appearing on behalf of the petitioner submitted that seizure list is not bearing the signature of petitioner, suggesting thereof, that he was not apprehended with the illicit liquor. It is also submitted that the seizure list is not supported by independent witnesses and it 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 the seizure list is not bearing the signature of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the petitioner, in the background of disputed seizure list 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 Desri(Chandpur O.P) P.S. Case No. 55 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-Cum-Exclusive Special
Judge, Excise Act, Vaishali at Hajipur/concerned court, subject
to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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