

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30549 of 2022

Arising Out of PS. Case No.-192 Year-2022 Thana- JAHANABAD District- Jehanabad

Debanand Kumar S/o Ramdeo Prasad Resident of Village- Barbatta, P.S.-
Kako in the district of Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, 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

Jehanabad P.S. Case No. 192 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 20.03.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 40 litres of IMFL/country made liquor from



motorcycle bearing registration no. BR25A-8788.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor from motorcycle, which was jointly occupied by other persons and, as such, it cannot be said that to be recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is also submitted that 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 motorcycle was jointly occupied, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from conscious physical possession of the petitioner, who is a man of clean antecedent 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 Jehanabad P.S. Case No. 192 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 Special Excise Court No.-2, Jehanabad/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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

