

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30505 of 2022

Arising Out of PS. Case No.-134 Year-2022 Thana- PATNA RAIL P.S. District- Patna

1. Deepak Kumar Son of Late Baijnath Yadav @ Late Baijnath Das Resident of Village - Yarpur Jhopar Patti, R. Block Behind Petrol Pump, P.s.- Sachivalaya, Distt.- Patna.
2. Nur Alam Son of Md. Rafique @ Rafi Resident of Village - Bhuja Pakri, P.s.- Belsar, Distt.- Vaishali.
3. Sonu Kumar Son of Nawal Wishwakarma Resident of Village - Berthu , P.s.- Hilsa, Distt.- Nalanda.
4. Amarjeet Kumar Son of Late Ram Prakash Mahto Resident of Village - Wathua, P.s.- Wathua, Distt.- Samstipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP 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 petitioners seek bail in connection with Rail Patna (Junction) P.S. Case No. 134 of 2022 registered for the offence under Section 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



The accused/petitioners are named in the F.I.R. and are in custody since 10.03.2022.

The allegation against the petitioners is to have in possession of total 131.05 liters of foreign liquor.

Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor was made from the toilet of a coach of train, which was jointly occupied by four accused persons. It is submitted that seizure list is disputed, as same is not supported by independent witnesses, in view of the Section 100(4) of the Cr.P.C., which creates a doubt over the entire seizure list. It is pointed out that petitioner no.1 is involved in one more criminal case, in which he is on bail and petitioner nos. 2,3 and 4 are persons of clean antecedent. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that seizure list is not supported by independent witnesses.

Considering the facts and circumstances as mentioned above, as seizure list is disputed coupled with the fact that chargesheet has already been submitted, let the petitioners,



above named, are directed to be released on bail in connection with Rail Patna (Junction) P.S. Case No. 134 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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