

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31257 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- SAKRA District- Muzaffarpur

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BINOD CHAUDHARY @ VINOD CHAUDHARY Son of Bishundeo Chaudhary Resident of Village - Bela Saghan Chiknauta, P.S. - Baligaon, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel 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 Sakra P.S. Case No. 79 of 2022 registered for the offence under Sections 272, 273, 120(B), 420, 467, 468 and 471 of the Indian Penal Code and Section 30(a), 36, 41(i) (ii) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 13.02.2022.

The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of



2131.08 litres of illicit IMFL from different vehicles.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was apprehended, on account of suspicion, as he found running away from the place, where, recovery of illicit liquor was made. It is also submitted that petitioner no manner connected with the alleged recovery and admittedly the recovery has not been made from conscious physical possession of the petitioner. It is also submitted that seizure list is disputed, as the same is not supported by the independent witnesses, which appears in violation of Section 100 (4) of the Cr.P.C. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has



already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sakra P.S. Case No. 79 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 Judge Excise, Court No.I, Muzaffarpur/concerned court, subject to the conditions, as mentioned in Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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