

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31814 of 2022**

Arising Out of PS. Case No.-403 Year-2021 Thana- RAJAOLI District- Nawada

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SAMAULI BHUIYAN @ SOMALI MUSHAR Son of Fagu Bhuiyan alias
Fagu Manjhi Resident of Village-Fulwaria, P.S.-Rajauli, District-Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar
For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-08-2022 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. 403 of 2021 registered for the offence under

Section 30(a) and 41(1) of the Bihar Prohibition and Excise Act,



2018.

The accused/petitioner is named in the F.I.R. and is in custody since 28.03.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 240 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not connected with alleged vehicle and illicit liquor. It is submitted that no recovery was made from conscious possession of the petitioner. It is also submitted that seizure list is not supported by independent witnesses. It is further submitted that investigation in this case is complete for which charge-sheet has been submitted, as such, there is no tampering with the evidence.

Learned APP, while opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioner 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. 403 of 2021 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 Court No. 2,
Nawada/concerned court, subject to the conditions as mentioned
under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J

R.S.Sen/-
Ravishankar/-

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