

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35248 of 2022**

Arising Out of PS. Case No.-948 Year-2021 Thana- NAGAR District- Vaishali

=====

BALBANT RAI @ RAHUL RAI S/o Jamwant Rai R/o village- Baurbyas
Sant Kabir Nagar, P.S.- Bakhira, District- Santkabir Nagar (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 17-08-2022 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 Hajipur
P.S. Case No. 948 of 2021 registered for the offence under
Sections 30(a)/32(ii)/34(ii)/36/41(i) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.11.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
4553.28 litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioner



submitted that admittedly, petitioner is driver of the alleged vehicle, from where, recovery has been made. It is also submitted that nothing surfaced during course of investigation, which may suggest that the petitioner was under knowledge, as regard to consignment of illicit liquor and as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is also submitted that seizure list is not supported by independent witnesses, which appears to be 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 independent witnesses.

Considering the facts and circumstances as mentioned above, as the seizure list is disputed, where, petitioner 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 Hajipur P.S.



Case No. 948 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.1-cum-Additional District and Session Judge,
Vaishali at Hajipur/concerned court, subject to the condition as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

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

