

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36115 of 2022**

Arising Out of PS. Case No.-198 Year-2022 Thana- SAHPUR District- Patna

Shalu Kumari @ Salu Kumari D/O- Anil Rai R/O Village- Nurpur,
Chandmari, P.S.- Shahpur, Distict- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Nand Kumar

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

2 18-08-2022 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 Special
Case No.- 672 of 2022 registered for the offence under Sections
30(a)/32(iii)/41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 330 litres of IMFL/country made liquor from the
house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery of alleged illicit liquor was made from the house of the petitioner which is jointly occupied by other family member and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner, who is an unmarried lady of clean antecedent. It is also submitted that the seizure list is not supported by independent witnesses which appears to be violation of Section 100 (4) of the 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 recovery of illicit liquor was made from the house of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be recovered from the conscious physical possession of the petitioner, who is a lady of clean antecedent in the backdrop of disputed seizure list 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 Special Case No. 672 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 Judge, Danapur (Patna)/concerned court, subject to the conditions as mentioned under Section 437 (3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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