

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35763 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- JAYNAGAR District- Madhubani

SUDHI MUKHIYA SON OF LATE MANAGER MUKHIYA R/O- VILL-
DORBAR, P.S.- JAINAGAR, DIST.- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Md. Nazir Ansari

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 Jainagar P.S.
Case No. 136 of 2022 registered for the offence under Section 30(a)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.05.2021.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 963 litres of
illicit liquor.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of illicit liquor was made from bed of river
'Kamla', as such, it cannot be said that the alleged recovery has been
made from the conscious physical possession of the petitioner. It is



also pointed out that petitioner is a man of clean antecedent. It is also submitted that seizure list is not supported by independent witnesses. 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 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 Jainagar P.S. Case No. 136 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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